

To: Chair and Members of the Planning Committee

Date: 5 December 2013

Direct Dial: 01824 712568

e-mail: dcc_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 11 DECEMBER 2013** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN**.

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 7 - 20)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 11 November 2013 (copy attached).

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Pages 21 - 54)

To consider applications for permission for development (copies attached).

6 PLANNING APPEAL - IMPORTATION OF INERT WASTE MATERIALS FOR RECYCLING AND USE IN RESTORATION OF QUARRY WORKINGS: MAES Y DROELL QUARRY, GRAIANRHYD ROAD, LLANARMON YN IAL (Pages 55 - 102)

To consider a report by the Head of Planning and Public Protection (copy attached) regarding the reasons for refusal of the application which will be subject of a public enquiry.

MEMBERSHIP

Councillors

Ian Armstrong
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
James Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter Duffy
Peter Evans
Carys Guy
Huw Hilditch-Roberts
Rhys Hughes
Alice Jones
Pat Jones

Margaret McCarroll
Win Mullen-James
Bob Murray
Peter Owen
Dewi Owens
Merfyn Parry
Arwel Roberts
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items which will be subject to public speaking, requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information circulated in the Council Chamber prior to the start of the meeting, including the late representations/amendments summary sheets ('Blue Sheets') and any supplementary or revised plans relating to items for consideration.

The Blue Sheets contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications, to take account of public speaking requests.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee consists of 30 elected Members. In accordance with protocol, 15 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. The Chair will remind speakers they have a maximum of 3 minutes to address the Committee. Public speaking is subject to a separate protocol.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Blue Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

There are display screens in the Council Chamber which are used to show photographs, or plans submitted with applications. The photographs are taken by Officers to give Members a general impression of a site and its surroundings, and are not intended to present a case for or against a proposal.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, he/she should not speak again unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason (s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what resolutions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

If any Member requests a Recorded Vote, this must be dealt with first in accordance with Standing Orders. The Chair and Officers will clarify the procedure to be followed. The names of each voting Member will be called out and each Member will announce whether their vote is to grant, to refuse, or to abstain. Officers will announce the outcome of the vote on the item.

If a vote is to proceed in the normal manner via the electronic voting system, the Chair will ask Officers to set up the voting screen(s) in the Chamber, and when requested, Members must record their votes by pressing the appropriate button (see following sheet).

Members have 10 seconds to record their votes once the voting screen is displayed, unless advised otherwise by Officers.

On failure of the electronic voting system, the vote may be conducted by a show of hands. The Chair and Officers will clarify the procedure to be followed.

On conclusion of the vote, the Chair will announce the decision on the item.

Where the formal resolution of the Committee is contrary to Officer recommendation, the Chair will request Members to agree the process through which planning conditions or reasons for refusal are to be drafted, in order to release the Decision Certificate (e.g. delegating authority to the Planning Officer, to the Planning Officer in liaison with Local Members, or by referral back to Planning Committee for ratification).

PLANNING COMMITTEE

VOTING PROCEDURE

Members are reminded of the procedure when casting their vote. The Chair or Officers will clarify the procedure to be followed as necessary.

Once the display screens in the Chamber have been cleared in preparation for the vote and the voting screen appears, Councillors have 10 seconds to record their vote as follows:

On the voting keyboard press the

+	To GRANT Planning Permission
-	To REFUSE Planning Permission
0	to ABSTAIN from voting

Or in the case of Enforcement items:

+	To AUTHORISE Enforcement Action
-	To REFUSE TO AUTHORISE Enforcement Action
0	to ABSTAIN from voting

This page is intentionally left blank

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 13th November 2013 at 9.30am.

PRESENT

Councillors I W Armstrong, J.R. Bartley (local member/observer), J A Butterfield, J Chamberlain-Jones, W L Cowie, M Ll. Davies, R J Davies, S.A. Davies, M. L Holland (local member/observer), H Hilditch-Roberts, T.R. Hughes., P M Jones, G. Kensler (observer) M McCarroll, W M Mullen-James (Chair) , R M Murray, . D Owens, T M Parry, D Simmons, W.N. Tasker, J S Welch, C H Williams, C L Williams and H O Williams

ALSO PRESENT

Head of Planning and Public Protection (Graham Boase), Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor (Planning and Highways) (Susan Cordiner), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

Mike Parker (Highways), Martha Savage (Minerals Planning Officer) and Angela Loftus (Policy Manager) attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillors P. Duffy, J.M. Davies, P A. Evans, C. L. Guy, P W Owen, E.A. Jones, A Roberts and J Thompson-Hill

2 DECLARATIONS OF INTEREST

None

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 16th October 2013.

Agreed as a true record:

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, and Public Protection (previously circulated) was submitted enumerating applications submitted and requiring determination by the Committee.

RESOLVED that:-

- (a) *the recommendations of the Officers, as contained within the report submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act 1991, Town and Country Planning Advertisements Regulations 1991 and/or Planning (Listed Buildings and Conservation Areas) Act 1990 to the proposals comprising the following applications subject to the conditions enumerated in the schedule submitted:-*

Application No: 15/2013/1080/PO

Location: Land at Erw Goed Llanarmon Yn Ial Mold

Description: Development of 0.60 hectares of land for residential purposes (outline application including means of access)

The following late representation were reported:
Clwydian Range AONB Joint Advisory Committee
Ian & Jennifer Trigger, Alyn Bank, Llanarmon yn Ial

Councillor Martyn Holland (local Member) reported that the community was not in objection to the development of this land, having voted to include it in the Local Development Plan (LDP). However some local concerns had been expressed regarding the indicated density. The LDP requires 12 units but this appears cramped. The village would prefer a mix of dwellings to include bungalows. It was suggested that as a play area already exists 50 yards away there is little need for on-site provision.

Concern had also been raised about the loss of hedgerow and Councillor Holland suggested a footpath be provided on site rather than at the road side. The village would welcome a 30 mph speed limit in this area and hope it would be extended to cover the existing play area. Councillor Holland understood there were no local people registered on the Affordable Housing list and wondered if a financial contribution towards Affordable Housing could be made, and also towards the maintenance of the existing play area. Councillor Holland warned that the lane in this area was prone to flooding and hoped that this development would not exacerbate the situation. He further requested that no trees or hedges be removed until the details of dwellings had been approved.

Councillor M. Parry asked that lessons be learnt from his experience with a similar development in Llandyrnog where the developer went into administration without finishing the estate and the play area. He felt one well maintained play area in the village would be preferable.

Councillor M. Lloyd Davies felt that there was little purpose in a short section of roadside pavement. He felt that kerb stones were an urban feature, alien to a village setting. He felt a footpath to the village between the houses would be more appropriate.

Councillor Rhys Hughes wondered why no one was on the Affordable Housing Register for this area and asked who administered this function.

Mr Ian Weaver (Principal Planning Officer) answered the questions raised, advising that the landowner was willing to discuss any issues, and was happy to make a contribution toward the maintenance of the off site open space. On the issue of Affordable Housing, if no one is on the list, a contribution would be better than a unit on the site. On the field drainage/flooding, Mr Weaver acknowledged that the road did hold water and had consulted County Drainage Engineers, who felt the development would not exacerbate the situation. However they would examine the details when submitted. Opinion differs on the issue of houses or bungalows but removing the open space from the plan would allow more room to spread the dwellings out. Mr Weaver concluded by agreeing that a roadside pavement would not be appropriate but a footpath to the village would have to be over private land.

P/em/gwen/commitem

Councillor Joan Butterfield asked that a report be submitted to Scrutiny Committee regarding Affordable Housing – to establish how the list is compiled, how to register for it, and who decides those eligible.

This was agreed.

It was proposed that permission be granted in accordance with officers' recommendation
On being put to the vote

VOTE:

21 voted to GRANT

0 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to: amended Condition 12

- With the following revised wording of Condition 12:
12. No trees within the application site shall be lopped, topped, felled or removed without the prior written approval of the Local Planning Authority, and all trees and hedges which are to be retained as part of the final approved plans shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

Add Note to Applicant

You are advised to contact the Case Officer in the Planning Section to discuss ideas for the development of the site prior to the submission of detailed plans, including the approach to the highway/footway details, open space and affordable housing, and proposed dwelling types.

Application No: 31/2013/0400/PF

Location: Land south of St. Asaph Business Park (south) Glascoed Road St. Asaph

Description: Installation and operation of electrical substation compound with outdoor equipment, internal road layout & perimeter fencing south-east of St Asaph Business Park and up to 11.14 km of underground electricity cables between the St. Asaph substation and the coast at Ffrith Beach Prestatyn, in connection with the proposed Burbo Bank offshore windfarm

A clearer set of plans circulated
Late representations was reported from:
Denbighshire Pollution Control
DONG Energy;
Gillian Wallis, The Cottage, Glascoed Road, St. Asaph
Professor M O'Carroll

Public Speakers:

AGAINST: Mrs Linda Griffiths

Mrs Linda Griffiths spoke against this development, expressing concern that Dong had refused to alter their stance. Mrs Griffiths felt that Dong spoke empty words in claiming to be "good neighbours" as they had not consulted her household before finalising the cable route. Mrs Griffiths explained that her daughter suffered a neurological disorder which can be exacerbated with EMF sensitivity and she wanted her child to grow up without unnecessary risks. Mrs Griffiths was of the opinion that Dong could not guarantee there were no risks but were unwilling to make low cost alterations. She urged Committee to move the cable further to the west and to take account of the suggestions made by Professor Mike O'Carroll.

FOR: Duncan Tilney

Mr Duncan Tilney spoke in favour of the development, stating that moving the cable corridor was not justified; it would set a precedent that would require all cables in Denbighshire to be moved. Mr Tilney was not convinced by the health risk argument. He stated that a 30m separation would not be possible in this area without it impacting on other members of the public and would not be justified in planning terms.

General Debate:

Councillor Bill Cowie referred to Dong's request to meet with the Chief Executive stating that planning decisions were not for the Chief Executive to make, and the courtesy of an invitation had not been extended to him as local member. Councillor Cowie did not accept that the corridor could not be moved, the nearest people to the west worked on the Business Park and therefore not so affected as a permanent resident. Councillor Cowie hoped Dong would agree to a trefoil system of cable management and that a condition be imposed to move the cable as far west as possible and this should be closely monitored during construction.

Councillor S. Davies felt that the mood of Committee was to refuse the application but acknowledged this would only delay the matter. He urged that strong conditions be imposed.

Councillor Dewi Owens felt the company should take more account of local views, and thought the application should be refused.

P/em/gwen/commitem

Councillor M. Lloyd Davies did not understand the difficulty in moving the corridor.

Paul Mead Development Control Manager reminded committee that the application covered the cable corridor from the coast at Ffrith Beach. However, the issues were now concentrated on Glascoed Road and he referred to proposed conditions on the addendum report. These included a requirement to configure the cable in a trefoil arrangement and confirming the precise location of the cable when the work reaches Glascoed Road. Mr Mead suggested Committee could require the exact location to be stated in the condition but did not feel it was reasonable to do so at this moment in time.

Proposals:

Councillor D. Simmons expressed disappointment in the Company and proposed that the suggested condition be altered to include a distance of no more than 1m from the western most wall of the cable corridor and insulation be included around the cables.

This was seconded by Councillor S. Davies.

(Councillor D. Owens sought clarification on the distance of the cable from Mrs Griffiths house if this condition was implemented: he was advised that it would be 27m from the garden boundary).

On being put to the vote

VOTE:

16 voted to GRANT

5 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to: Amended Condition 19

Condition to be redrafted and the local member to be consulted on the wording prior to the issue of the decision certificate.

Application No: 45/2013/0805/PF

Location: Shirley 23 Marine Drive Rhyl

Description: Erection of lobby extension at first floor level, staircase from first floor balcony to rear garden, and balustrade to limit access to first floor flat roof area ; and widening of existing doorway from kitchen onto existing balcony

The following late representations were reported:
Rhyl Town Council (no objection to amended plans)
A report of the site visit which took place on Friday 8th November 2013 was circulated

Public Speakers:

AGAINST: Mrs Theresa Howard

Mrs Theresa Howard spoke on behalf of the neighbours at 24 Marine Drive

Mrs Howard advised Committee that the neighbours had no objection in principle but the proximity of the proposed stairway would dominate and adversely impact on their privacy. There would be issues of overlooking and the intrusion would remove the amenity of their private area. It had been requested that screens be erected - similar to those elsewhere in the area. However, Ms Howard has little faith in compliance with conditions as she stated that previous conditions had been ignored and not enforced by Planning.

FOR: Mr Russell Moffat spoke in Favour

Mr Moffat acknowledged personal disagreements but urged committee to deal with the planning merits of the two proposals rather than the personal relationship between the neighbouring households. There has been no objection to the proposed "lobby" which was designed to protect their privacy. At present residential amenity was compromised as it was possible to see into the property through the windows.

The proposed staircase was intended to replace a previous fire escape which had fallen into disrepair. Mr Moffat advised Committee that other properties in the area had existing fire escapes without privacy screens.

Ian Weaver (Principal Planning Officer) explained the elements of the planning applications and pointed out the relevant areas on the photo display. He urged committee to deal with the application as a whole, comprising of four elements. He advised that a previously approved 1m high screen would not be adequate.

Councillor D. Simmons (ward member) had suggested the staircase be relocated but understood that this may lead to other problems. Part of the flat roof area was not to be used because of a condition on a previous permission.

In response Graham Boase explained that the application should be dealt with as it stands, if it is unacceptable to Committee then it should be refused. The applicant would have the right of appeal.

Ian Weaver advised that Councillor Simmons' suggestion had been put to the applicants but they wished the application to be determined without change. Mr Weaver explained the history of the balcony which had been in place for some years. Part of it was not to be used and a previous permission had required Juliet balconies to be installed on the external doors, to prevent access to the flat roof but this had not been carried out. This application, if permitted would address some of these issues.

Councillor J. Butterfield understood the neighbours' grievance and asked how large the staircase was going to be. Mr Ian Weaver demonstrated the size on a plan.

Councillor M. Ll. Davies reported on the site visit and gave his opinion that moving the staircase would cause other problems to the occupants of the ground floor flat.

Proposals:

Councillor J. Butterfield proposed permission be REFUSED for the reason of the intrusion on the privacy of the neighbouring property.
This was seconded by Councillor Cheryl Williams.

Mr Graham Boase suggested that if the application was refused the local members would be consulted on the wording but advised committee to disregard any impact on the applicant's own property as a reason for refusal. It was pointed out that officers' recommended permission be granted.

Councillor H. Hilditch Roberts asked if the balcony was not already an intrusion and asked if the proposed staircase would make any difference. Ian Weaver agreed that officers are not suggesting there would no impact but committee must be clear that the level of overlooking is additional to that already occurring.

On being put to the vote

VOTE:

10 voted to GRANT
10 voted to REFUSE
1 Abstained

On the chair's casting vote

Permission was **GRANTED**

- Subject to the minor rewording of Condition 5
5. Notwithstanding the submitted plans, the detailing of the screen to be erected to prevent access from the existing balcony onto the adjacent area of flat roof shall not be as shown, but shall be a 1.5 metre high screen in accordance with such alternative detailing as may be submitted to, and approved by the Local Planning Authority within two months of the date of this permission, and the approved scheme shall be implemented in its entirety no later than 6 months from the commencement of the development permitted by this permission. The approved screen shall be retained at all times thereafter.
- and the following Note to Applicant
You are invited to contact officers in the Development Control section to discuss the approach to compliance with Condition 5 of this permission prior to the submission of any details of the screen. The Authority will be seeking early compliance with this condition and others on the permission if it is implemented; and is aware of outstanding issues in

relation to the 2011 planning permission (45/2010/1360) which will require attention if the current scheme is not undertaken.

Application No: 45/2013/1179/PF

Location: 37 Marine Drive Rhyl

Description: Change of use of second-floor flat to a children's day nursery in conjunction with existing nursery at ground floor level

The following additional letters of representation were reported:

County Highways
Pollution Control
Report of a site visit on Friday 8th November 2013 was circulated

Public Speakers:

FOR: Tony Thomas (applicant)

Mr Thomas explained that Marine Drive, a wide thoroughfare is quiet on weekdays. He said there have been no objections from Highways or the Police regarding traffic issues. Mr Thomas was aware of a strong local demand for babies to be accommodated. Some of these children had special needs and would be looked after by his wife (a nurse). The premises had restrictions on outdoor play for the older children and the babies would only go out in prams. He understood that the main objection had been from the neighbouring Bed & Breakfast which was open 24 hours a day. Mr. Thomas considered the additional 6 jobs to be created as a positive measure together with the much needed additional childcare facilities.

Councillor D. Simmons (ward member) reported on the site visit. He expressed concern regarding parking arrangements and wondered if an additional 18 children (although, he acknowledged, only between 3 and 18 months old) would be excessive.

Councillor Simmons proposed permission be GRANTED provided it be restricted to children under 18 months old.
(this proposal was not seconded at this stage)

Councillor R. Davies reminded committee of the refusal of a much smaller establishment in Lower Denbigh, which was refused on grounds of noise and disturbance to neighbours.

Councillor J. Butterfield agreed that babies were not always quiet and would be voting to refuse.

Paul Mead Development Control Manager asked committee to consider if this premises had reached a limit, as had been suggested during consideration of previous applications. However, Mr Mead had reservations about being able to enforce a condition restricting the age limit to 18 months.

In response to Councillor Rhys Hughes' query about double yellow lines in front of the premises, Mike Parker (Highways) explained that the restrictions were seasonal. Parking was allowed from October to March and loading and unloading was permitted at other times. During a recent monitoring exercise Highways Officers observed 22 vehicles visiting this property between 7.40 am and 8.50 am. Parking bays were available on the opposite side of the road. Highways had no objection to the planning proposal.

Councillor D. Simmons acknowledged the difficulty in enforcing a condition based on age and proposed permission be GRANTED without the restriction.

P/em/gwen/commitem

This was seconded by Councillor Huw O. Williams who also felt it important to encourage jobs in the area.

However there was some dissent to this view, Councillor J. Butterfield reminding committee that this was a predominantly residential area and Councillor M. Lloyd Davies urging committee that the property had reached capacity.

Paul Mead, advised that, if permission was granted by Committee, conditions would be drafted and local members consulted.

On being put to the vote

VOTE:

10 voted to GRANT

10 voted to REFUSE

1 Abstained

On the Chair's casting vote permission was REFUSED in accordance with officers' recommendation

PERMISSION WAS THEREFORE REFUSED

For the following amended reason

1. In the opinion of the Local Planning Authority, the intensification of use and associated activity at the property arising from an additional 18 children on top of the numbers permitted by previous permissions, would give rise to unacceptable additional levels of disturbance to occupiers of nearby dwellings, contrary to test vi of Policy RD 1 of the Denbighshire Local Development Plan, which seeks to ensure new development does not unacceptably affect the amenity of local residents.

Application No: 46/2013/1162/PF

Location: The Old Court House Chester Street St Asaph

Description: Change of use of former youth club to a mixed use development to include Classes A1, B1 and D1 uses

Councillor D. Owens stated that this property had been an eyesore but the new landlord was trying very hard and should be encouraged.

Proposals:

Councillor B. Cowie proposed permission be GRANTED
This was seconded by Councillor D. Owens

On being put to the vote

VOTE:

21 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to: Amended Condition 3

3 The premises shall not be open to customers other than between the hours of 0800-2330 on any day.

ITEM 6
MAES Y DROELL QUARRY, LLANARMON YN IAL

This item was proposed as a Part 2 item by virtue of paragraph 16 of part 4 of Schedule 12A of the Local Government Act 1972 in that information which is exempt would be disclosed.

Ms Martha Savage was in attendance for this item.

Councillor M. Ll. Davies proposed that the press and public be excluded this was seconded by Councillor B. Cowie.

This was agreed by a show of hands.

Following the confidential debate it was proposed that the officers' recommendation be agreed en bloc

On being put to the vote

21 voted to agree

0 voted to Not to agree

There were not abstentions

It was therefore resolved to agree the officers' recommendation in accordance with the submitted report.

Item 7 Supplementary Planning Guidance

Angela Loftus (Development Policy Manager) attended for this item.

Ms Loftus introduced the three reports and gave an overview of the process so far. The Local Development Plan now adopted required some minor changes in wording of 4 SPG documents and the introduction of a number of rewritten or new Guidance Documents.

(i) Consultation Draft Supplementary Planning Guidance (SPG) Affordable Housing

Ms Loftus advised that this SPG had been rewritten to reflect the change in requirement for Affordable Housing. This figure was 30% in the UDP, now reduced to 10% in the LDP in the case of development of 10 dwellings or more with a financial contribution required if below that figure. The Draft SPG was a result of consultations and workshops held with Town and Community Councils the LDP Working Group and consultations will extend to agents and other local authorities. An 8 week consultation period was proposed.

Following Councillors' comments and queries, Ms Loftus assured committee that Housing colleagues would be included as would County Councillors and Registered Social Landlords. Officers agreed to attend Community Council meetings if possible.

On a show of hands the draft SPG on Affordable Housing was approved for consultation.

The final version to be referred back to committee in March.

(ii) Draft SPG - Welsh Language

Angela Loftus explained this new SPG follows the requirement in Local Development Plan Policy RD 5 for a Community Linguistic Assessment and the recent Technical Advice Note 20 from Welsh Government

As with the Affordable Housing SPG, workshop sessions had been held and suggestions incorporated in the Draft SPG. A similar timescale and approach would be adopted.

The recent TAN 20 requires Local Authorities without a Local Development Plan to incorporate a Welsh Language element but those (such as Denbighshire) with an LDP already adopted can review the requirement after 4 years.

Following Members comments and queries Ms Loftus advised that following the consultation period the SPG would be referred back to Planning Committee in April.

On a show of hands the Welsh Language Draft Supplementary Planning Guidance was approved for consultation.

(iii) Minor Changes To Supplementary Planning Guidance:

- 1 Residential Space Standards (SPG 7)
- 2 Shop Fronts (SPG 12)
- 3 Pontcysyllte Aqueduct and Canal (SPG 26)
- 4 West Rhyl Regeneration (SPG 27)

Ms Angela Loftus explained the minor changes to wording.

On a show of hands the proposed changes to the four SPGs above were approved.

(Councillors thanked officers for the clarity in presentation).

The meeting closed at 12-20 pm

DENBIGHSHIRE COUNTY COUNCIL
 PLANNING COMMITTEE 11th December 2013
INDEX TO PLANNING APPLICATIONS

Item No	Application No	Location and Proposal	Page No
1	05/2012/0756/P O	Land Adjacent to Maes Y Glyn Glyndyfrdwy Corwen Development of 0.37 ha of land for residential purposes and construction of a new vehicular access (outline application including access)	23
2	43/2013/1236/P F	St Marys Bishopswood Road Prestatyn Construction of garden retaining wall and access steps to form raised garden/patio terrace at rear of dwelling (partly in retrospect)	35
3	43/2013/1353/P F	55 Pendre Avenue Prestatyn Erection of a single storey extension to rear of dwelling	43

This page is intentionally left blank

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

05/2012/0756/PO
Land adj Maes y Glyn
Glyndyfrdwy, Corwen



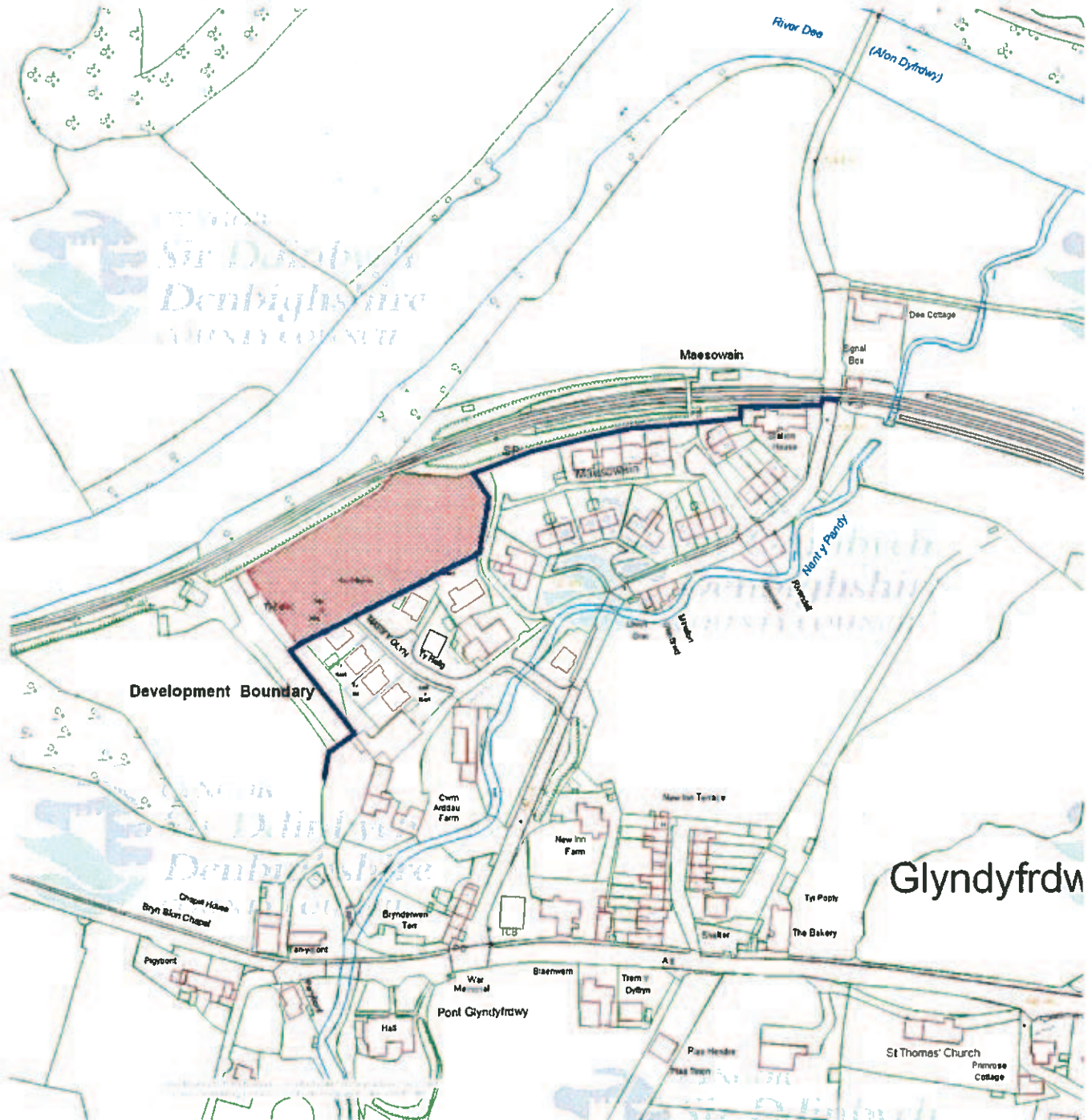
Application Site



Date 25/11/2013
Centre = 314950 E 342821 N

Scale 1/2500

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council 100023408. 2011

Notes

Site area is 0.318 Ha / 0.824 Ac. Development Area is 0.2345 Ha.

10 M2 two storey 3 bedroom dwelling shown, each with 80 sqm Gross Internal Floor Area and capable of conforming with Lifetime Homes Standards and DCC Residential Space Standards. Amenity space per dwelling not less than 801 sqm with outdoor drying space.

10 M2 single garages.

20 car parking spaces - 4.8 x 2.4 m minimum, with capacity carriages (2 per property's garage). Total parking (including garages) 28 or 232 per dwelling. Source cycle storage for two cycles in garage or shed for each dwelling. DCC open space requirement = 30 persons x 32 sqm = 960 sqm. Actual provision on site 925 sqm.

Including Finished Ground Floor Levels and Below Levels including any existing and proposed ground levels.

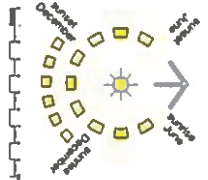
Plot No.	Proposed Floor Level	Below Level
1	1.12.3	1.12.3
2	1.12.3	1.12.3
3	1.12.3	1.12.3
4	1.12.3	1.12.3
5	1.12.3	1.12.3
6	1.12.3	1.12.3
7	1.12.3	1.12.3
8	1.12.3	1.12.3
9	1.12.3	1.12.3
10	1.12.3	1.12.3



Legend

- Plot boundary
- existing contours lines
- proposed approximate ground level
- proposed standard floor level (+0.1m)
- proposed standard floor level (height above existing ground level)
- width screen fencing 1.8m high
- minimum screen wall 1.5 m high (height above existing ground level) (1 x 2.40L, 1 x 1 (EOL), 1 x (EOL))
- spaces for vehicle bin storage
- indicating planning of future spaces

- permitted parking to shared surface level
- permitted landscaping to private driveways
- landed landscaped areas
- public open space - grass and existing trees
- openly spaces to dwelling



Cwm Arddau - Glyndyfrdwy

14, 15 & 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

ITEM NO: 1

WARD NO: Corwen

WARD MEMBER(S): Councillor H. Ll. Jones

APPLICATION NO: 05/2012/0756/ PO

PROPOSAL: Development of 0.37 ha of land for residential purposes and construction of a new vehicular access (outline application including access)

LOCATION: Land Adjacent to Maes Y Glyn Glyndyfrdwy Corwen

APPLICANT: Mr & Mrs A Davies

CONSTRAINTS: AONB

PUBLICITY UNDERTAKEN: Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

CORWEN COMMUNITY COUICIL

"Comments on the above below:

- The hedge to be retained adjacent to the Heritage railway should be reinforced by a native mix. All new planting should be sustainable i.e. native
- Concerned by the amount of detached garages, sheds and block paving which suburbanises the site and decreases the amount of green space in this rural setting in the Clwydian Range and Dee Valley AONB
- I think a key point will be views from the heritage railway line of end of garages, retaining wall (shouldn't be breeze block to face the railway) and elevated decking
- welcome public open space
- Only 4 visitor parking spaces for 10 houses
- Future finish to the housing should be render with welsh slate as the roofing material."

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

"The revised description and indicative layout showing a reduction in the number of units (from 12 to 10) and an increase in the amount of public open space is noted, and the JAC reaffirms that it has no objection in principle to development of this land within the Development Boundary of Glyndyfrdwy subject to the subsequent design, materials and landscaping being sympathetic to the rural character of the site and its setting, and that robust arrangements are put in place to ensure that a number of the dwellings will be retained as affordable houses for local people in perpetuity.

Although all matters are reserved for subsequent approval, the JAC welcomes the intention to retain existing trees and hedges and to carry out supplementary planting of native local species to help screen the development in medium distance views from the surrounding countryside."

NATURAL RESOURCES WALES (NRW)

No objection to the proposal. FCA demonstrates site can be developed. Development is not likely to have an adverse effect on the environmental and natural heritage interests covered by NRW's remit.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to the inclusion of conditions relating to parking and highway detailing.

- Ecologist

No objections. Additional surveys for bat habitat would be necessary with appropriate Reasonable Avoidance Measures and mitigation.

- Emergency Planning/ Civil Contingencies Officer

No objections.

- Local Housing Strategy & Development Officer

There is an identified need for Affordable Housing in the area and the policy requirement should be met.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Carl Jones, Swn Yr Afon, Glyndyfrdwy

Summary of planning based representations in objection:

Visual impact

Loss of views across the valley from existing dwellings on Maes Y Glyn

Access / highways impact

Inadequate highway conditions / road is narrow on approaches to the site / additional traffic will add to dangers

Residential amenity

Proximity to existing properties / proximity to heritage railway

EXPIRY DATE OF APPLICATION: 08/08/2012

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks outline planning permission for a residential development on 0.378 hectares of land, including approval of the means of access. All other matters, including the appearance, landscaping, layout and scale of development would be the subject of a future detailed application.
- 1.1.2 The site is located outside the development boundary for Glyndyfrdwy village as defined in the Local Development Plan, and lies to the north of dwellings on the Maes Y Glyn estate.
- 1.1.3 The application documents include an illustrative layout plan showing ideas for a development of 10 dwellings, utilising the existing entrance from the Maes Y Glyn estate. The illustrative plan is attached at the front of the report.
- 1.1.4 The illustrative plan also indicates the intention to provide an open space area within the site. It shows eight 3 bed semi-detached houses, and two 3 bed detached houses.

1.1.5 The supporting documents include a Planning, Design and Access Statement and a Flood Consequence Assessment (FCA).

1.1.6 The main points of relevance to the proposals in the Design and Access Statement are:

- The site was formally allocated for housing in the Unitary Development Plan and historically had planning permission. This application was originally submitted in June 2012, however an FCA was requested which took time to prepare, the FCA was agreed and submitted in August 2013. The LDP has since been adopted and the site removed from the development boundary owing to flood risk issues. The Applicants were not consulted on the removal of the site from the LDP. The Agent feels the newly allocated site would be difficult to develop and is unlikely to achieve the allocated 30 dwellings.
- The site is agricultural land, located within the AONB.
- The site can be developed for housing in an efficient manner to create attractive, safe and sustainable homes at a density suitable for this location.
- The site layout takes into account the impact on neighbours, the character of the area and wider landscape designations.
- The applicant addresses the flood risk constraints.
- In order to comply with the LDP, 1 unit will be affordable, and appropriate open space provisions made.
- Foul water will connect to the existing mains.
- Surface water from dwellings will be directed to soakaways.
- Road water will be dealt with through a Sustainable Drainage system (SUDS) to be designed at detailed application stage.
- The scheme will be designed to meet Sustainable building and accessibility standards, incorporating suitable water conservation measures.

1.2 Description of site and surroundings

1.2.1 The application site lies to the north of Maes Y Glyn, an estate of 6 detached two storey dwellings. The north of the site is bounded by the Llangollen Railway; further north is the River Dee. On the eastern side of the site, there is an older estate Maes Owain. There is an open field immediately to the west, in which Ty Felin a small redundant stone building is sited.

1.2.2 The north of the site is bounded by a mature hedge with a mix of species. There are two mature trees to the east of the site.

1.2.3 Land levels fall from the south to the north of the site, there is a steep embankment on the north western boundary adjoining the railway track.

1.2.4 Maes Y Glyn is accessed off a minor road which runs from the A5 north to the Railway Station. There is approximately 250m between the site and the A road.

1.3 Relevant planning constraints/considerations

1.3.1 The site is outside the development boundary of Glyndyfrdwy village.

1.3.2 Glyndyfrdwy village is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

1.4 Relevant planning history

1.4.1 The land has been the subject of a number of applications in the past, it was granted planning permission most recently in 2007. This planning permission was not implemented, hence it was lost.

1.5 Developments/changes since the original submission

1.5.1 The application was originally submitted in June 2012. However, on the advice of NRW, Officers sought additional information in relation to the flood risk. The FCA was submitted in August 2013.

1.6 Other relevant background information

1.6.1 By way of background, in the UDP the site was located within the development boundary of Glyndyfrdwy with the village boundary running along the railway line north of the site. The adjacent site Maes Y Glyn was a recognised housing commitment site in 1996, and was allocated for this purpose as the main housing allocation in that plan. Maes Y Glyn Estate has since been developed.

2. DETAILS OF PLANNING HISTORY:

2.1 14/14381 - Development of 0.29ha of land for residential purposes and construction of estate access road (outline application) - REFUSED 23/02/1995

05/2004/0541/PO - Development of land for residential purposes (outline application) - GRANTED 13/07/05 (Subject to a Section 106 Agreement dated 21/06/2005).

05/2006/0382/PR Approval of details relating to siting of dwellings and means of access, as part of condition no. 1 attached to outline planning permission code no. 05/2004/0541/PO GRANTED 06/06/2007.

The above outline/reserved matters consents were not implemented within the relevant time scales. No planning permission, therefore, exists on this site.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC 1 Growth Strategy for Denbighshire

Policy BSC 3 Securing Infrastructure Contributions from Developments

Policy BSC 4 Affordable Housing

Policy BSC 11 Recreation and Open Space

Policy VOE 2 Areas of Outstanding Natural Beauty / Area of Outstanding Beauty

Policy VOE 5 Conservation of natural resources

Policy VOE 6 Water management

Policy ASA 3 Parking Standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note 4: Recreational Public Open Space

Supplementary Planning Guidance Note 8: Access for all

Supplementary Planning Guidance Note 22 Affordable Housing in New Developments

Supplementary Planning Guidance Note 25: Residential Development Design Guide

3.3 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

TAN 5 Nature Conservation and Planning

TAN 12: Design

TAN 15 Development and Flood Risk

TAN 22: Planning for Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these

can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Flooding
- 4.1.6 Highways (including access and parking)
- 4.1.7 Affordable Housing
- 4.1.8 Open Space
- 4.1.9 Sustainability including codes and water management
- 4.1.10 Area of Outstanding Natural Beauty / Area of Outstanding Beauty

4.2 In relation to the main planning considerations :

4.2.1 Principle

Planning Policy Wales Section 9.2 sets out the strategy that Councils should use when allocating land for new housing development, Para 9.2.9 specifically states that Councils should consider a number of criteria in deciding which sites to allocate, including physical and environmental constraints. Para 9.3 refers to controlling new housing development in the open countryside and states that new residential development away from established settlements should be strictly controlled.

The application site is located **outside** the development boundary of Glyndyfrdwy; the south of the site bounds the northern boundary of the village designation. Members will know that Glyndyfrdwy is classified as a village in the adopted Local Development Plan. The village has an allocated housing site for 30 dwellings on the proposals map accompanying the Plan.

The PPW strategy referred to above has been used by the Council in developing and adopting the LDP. The LDP makes provision for 7500 new homes in the County up to 2021, of the 7500 homes to be provided, an allocation for 30 dwellings was made in the village of Glyndyfrdwy. Members may recall that this current application site was included in the original LDP Deposit Plan in 2009, at that stage the site had an extant planning permission. NRW (then the Environment Agency) were consulted on the deposit plan and objected to the inclusion of this site owing to its location in a C2 floodzone. Their response advised that unless the inclusion of the site could be fully justified and a Strategic FCA produced for it, the site should not be allocated. As an alternative site was available in the village at New Inn, the site could not be justified. Hence the village boundaries were redrafted and the site was removed from the Alternative sites plan. In the meantime the original planning permission for the site lapsed in July 2010. As mentioned above this planning application was submitted to the Council in June 2012 and would have been considered under the UDP if additional information had not been sought. The request for additional information and its submission has delayed consideration of the proposal, therefore the application now falls to be considered under the LDP. Under the LDP the site is located outside of the development boundary and as such cannot be supported by Officers. The strategy adopted in LDP site selection involved looking sequentially at sites for residential development in the village. Owing to the constraints on this site, namely flooding, this site was discounted and an alternative site allocated. Notwithstanding the comments of the Agent that the new site may not achieve the allocated 30 dwellings until the allocation has at least been tested with a planning application, there is no justification to consider sites outside the village boundary for

development.

4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales Para 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Para 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The application is for outline planning permission, and an indicative plan has been provided in support of the scheme. There are objections to the proposal based on potential visual impacts of development.

As this is an outline application it is not possible to fully assess the visual impact of the proposal at this point, however it is considered that the site can accommodate the development without appearing cramped and out of character with its surroundings. With respect to the comments received by the Community Council and neighbour, due consideration can be given to matters of detailed visual impact at reserved matters stage if an outline permission were to be granted.

4.2.3 Residential amenity

Planning Policy Wales Para 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Para 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The application contains an illustrative layout indicating a possible format for a development, there are no elevation details or floor plans to allow assessment of the impact on adjacent properties. There are local concerns expressed over potential for loss of amenity from new development on the site.

In respecting the comments received relating to the amenity of occupiers of neighbouring dwellings, in the absence of the relevant details, it is not possible or appropriate to consider such matters at this point, as these would normally be dealt with at reserved matters stage, when full details of dwelling types, siting, and proximity to existing property can be assessed. At detailed plan stage, careful consideration would be given to the potential residential amenity impacts on adjacent properties, taking account of levels, distances between dwellings, etc. Officers conclude therefore that it is not possible to assess detailed amenity impacts at this stage given the application seeks only outline planning permission with all matters, other than means of access, reserved for later approval.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new

opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Ecological Assessments have been undertaken, and the Council's Biodiversity Officer and Natural Resources Wales have raised no objection in principle subject to the undertaking of further bat surveys, with related mitigation and reasonable avoidance measures.

It is considered the information provided demonstrates that the proposal would not impact on an area of ecological significance.

4.2.5 Flooding

Planning Policy Wales Section 13.2 identifies flood risk as a material planning consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed. The development advice maps of the site show the site located within a C2 flood zone, which is an area of the floodplain without significant flood defence. The TAN advises that the C2 classification should be used to indicate that only less vulnerable development should be considered subject to application of justification tests, including acceptability of the consequences, highly vulnerable such as residential development should not be considered in this zone. However there are exceptions which allow development in the flood zone, if it can be demonstrated that the location is necessary to assist, or be part of, a local authority regeneration initiative or strategy to sustain an existing settlement; or the location is necessary to contribute to key employment objectives supported by the Local Planning Authority to sustain an existing settlement. In order for a development to be considered as an exception, the site must also meet the definition of previously developed land, as per the Planning Policy Wales definition. The most relevant elements of this definition are that previously developed land includes land which is or was occupied by a permanent structure and associated fixed surface infrastructure (excluding agricultural or forestry buildings) and land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings. Finally a Flood Consequence Assessment (FCA) is required to be submitted to support the application for the exception, to explore the potential consequences of a flooding event for the particular type of development proposed.

Although the proposed development has been the subject of prolonged negotiations with NRW and a Flood Consequence Assessment has been submitted in support of the proposal, it is Officers opinion in relation to the exception tests that the development is not 'justified', the site is located outside the development boundary of the village and there is an alternative housing site available in the village which could accommodate the projected housing requirements for the area. There are no over-riding policy objectives to support the development and justify the proposal, and so it is considered that the proposal represents an unacceptable form of development in a floodzone failing the relevant tests in TAN 15.

4.2.6 Highways (including access and parking)

Planning Policy Wales Para 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales Section 8 and TAN 18 – Transport, in support of sustainable development.

The means of access to the site is included for approval as part of this outline application. There are objections raised in relation to highway safety and the impact the proposal would have on the local highway network. The Highways Officer has no objections to the proposal and there are no concerns in respect of the adequacy of the local highway network.

It is not considered, with respect to objection raised, that there are any strong highway grounds to refuse permission here.

4.2.7 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units is provided.

The applicant has stated that the Council's Affordable Housing requirement of 10% would be provided.

In accordance with current planning policy, it is now accepted practice to use a 'standard' form of planning condition, as worded by the Planning Inspectorate on appeal decisions in recent years, to establish the requirement for an agreed level of affordable housing or payment of commuted sum prior to the commencement of development. Officers suggest this approach to be appropriate in this instance if permission were to be granted.

4.2.8 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

The applicant has stated that the Council's Open Space requirement could be met by provision of an open space within the development, and the indicative layout plan shows ideas for an area of open space to the east of the site.

In Officers opinion this could be covered by imposition of a planning condition requiring agreement to the mechanism for compliance with the open space requirement if permission were to be granted.

4.2.9 Sustainability including codes and water management

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales Section 4.12 sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that buildings can meet specific standards of construction and carbon emission levels.

In the case of this submission, the application is accompanied by a Design and Access Statement and Code for Sustainable Homes Pre-Assessment which demonstrates that the requirements of TAN 12 and TAN 22 can be satisfactorily addressed.

Suitably worded conditions could be attached to ensure development is carried out in accordance with the requirements of the Sustainability Code.

4.2.10 Area of Outstanding Natural Beauty / Area of Outstanding Beauty

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for its designation.

There are no objections raised in relation to impacts on the AONB, other than the potential for change to the character of the entrance to the village from the loss of tree cover. The AONB Joint Advisory Committee considers any potential impacts could be managed should development be permitted.

Given the application relates to development of a site on the boundary with the village, it is not considered that there would be any unacceptable harm to the character and appearance of the AONB landscape and the reasons for its designation. Matters of detailed design would be dealt with at reserved matters stage.

5. SUMMARY AND CONCLUSIONS:

5.1 In the opinion of Officers the principle of residential development in this location is not consistent with the Council's adopted plan, regardless of the history of the site, this is now a significant consideration in relation to the application. As the site is outside the development boundary the application is recommended for refusal. Furthermore, having regard to the above, as the site would not meet a strategic need of the Council (as it is not allocated for housing or within the development boundary), the proposal fails to comply with TAN 15.

6. RECOMMENDATION – REFUSE – for the following reasons:-

1. The site is located outside the development boundary of Glyndyfrdwy where rural restraints policies apply. It is not considered that the case put forward justifies the development, consequently if permitted the proposal would lead to a piecemeal encroachment of development outside the development boundary, undermining the Local Development Plan settlement strategy. The proposal would not comply with Policy BSC1 of the adopted Local Development Plan and advice in Planning Policy Wales which seeks to control development outside identified settlements.

2. The application site is located in a C2 flood zone as identified on the Development Advice Maps accompanying TAN 15: Development and Flood Risk. It is the opinion of the Local Planning Authority that the proposal does not satisfy the justification tests set out in Paragraph 6 of TAN 15. The application is therefore considered to conflict with TAN 15: Development and Flood Risk, and advice contained in Planning Policy Wales.

NOTES TO APPLICANT:

None

This page is intentionally left blank



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Graham Boase
 Head of Planning & Public Protection
 Denbighshire County Council
 Caledfryn
 Smithfield Road
 Denbigh
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

43/2013/1236/PF
 St Mary's, Bishopswood Rd
 Prestatyn

2



Application Site

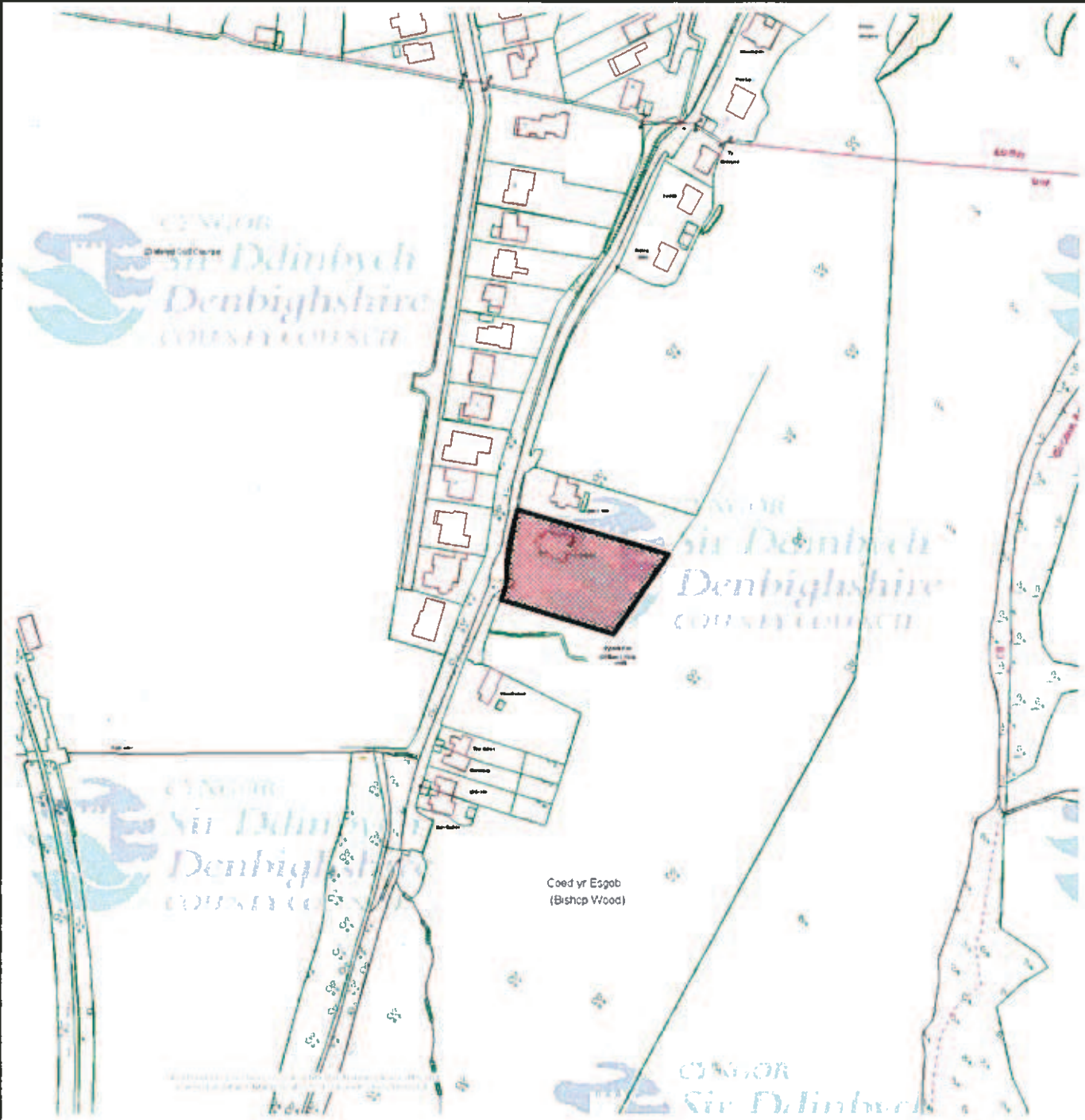


Date 25/11/2013

Scale 1/2500

Centre = 306836 E 381454 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council 100023408 2011.

Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrau E. Mawrthdy.
 © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain i broses neu ddeddf sifil. Cyngor Sir Ddinbych 100023408 2011.

existing reinforced conc. garden retaining wall partially faced in natural stonework

Existing boundary wall.

Existing boundary between St Marys & SSSI site currently unmarked but is defined by straight line between stone gate pillar at western end and concrete/fencing at eastern end. and accords with SSSI site map. - Erect Post and rail timber fence on boundary line. as detail A.

Existing stone boundary wall between St Marys & SSSI woodland.

Existing row of ornamental small conifers (not indigenous species) and old chainlink fencing define boundary line of St Marys with SSSI woodland. extent of existing SSSI site included with planning application shown dotted.

ST MARYS W.M.

Extent of encroachment of temporary site access works onto SSSI land shown dotted with soil and rock shale. Placed over original ground levels carefully remove all materials down to original ground levels see method statement for removal and reinstatement and methodology.

Garden.

cut back wall by 1.8m and remove foundation to ensure all is min. 300mm within boundary of St. Marys as shown.

8m

T4

T3

T2

T1

existing garage

existing drive.

Gorschill.

St Marys

Bishopswood Road.



ST MARYS PRESTAYN SITE PLAN
DG2-1:500 - PROPOSED

RECEIVED
30 SEP 2013
2013
1 2 3 6 / P F

Trees shown
T1 & T2 - SYCAMORE
T3 - ASH.
T4 - OAK.

Woodholme.

Reinstated earth embankment at entrance to match levels evident to both sides. and erect Post and rail to top. See detail B.

ITEM NO: 2

WARD NO: Prestatyn Central

WARD MEMBER(S): Councillors Peter Duffy & Hugh Irving

APPLICATION NO: 43/2013/1236/ PF

PROPOSAL: Construction of garden retaining wall and access steps to form raised garden/patio terrace at rear of dwelling (partly in retrospect)

LOCATION: St Marys Bishopswood Road Prestatyn

APPLICANT: Mr Nick Gibbs

CONSTRAINTS: Tree Preservation Order
SSSI
Ancient, Semi Natural Woodland
AONB

PUBLICITY UNDERTAKEN: Site Notice – No Press Notice – No Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant – Town Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

Objection

"Trees removed and land encroached for access to retaining wall. There is a visual scar on landscape following removal of trees and native vegetation. Enforcement of Tree Preservation Order should be considered. Replacement trees to be provided."

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

"This is an elevated, prominent and sensitive site above Prestatyn, and the JAC deplores the fact that the development has commenced without planning permission or apparently the necessary consents to carry out operations affecting a SSSI. When taken together with the extensive engineering works which have taken place above the adjoining property to create a similar terrace, the JAC is concerned about the visual impact of these works which extends the developed area of the town up Prestatyn Hillside. If permission is granted, it is essential that the mature trees in the area used as a temporary access are retained and the structure is faced in traditionally finished natural local stone. The JAC would also recommend that a matching local stone wall should be erected to close the temporary access to Bishopswood Road. The planning authority should also ensure that robust arrangements are in place to restore the site and mitigate for any harmful impacts on the SSSI. It is also noted that badgers are active in the vicinity of the site and JAC would emphasise the need for all necessary safeguards to be imposed to ensure that the works do not harm protected species. (AONB Management Plan Policies PCP1, PCP2 and PB1)"

NATURAL RESOURCES WALES

No objection subject to restoration of the SSSI in accordance with recommendations. No objection in relation to the effects on the AONB due to the scale and magnitude of the proposals.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

Biodiversity Officer

No objection. A separate license may be required for works within 30m of the nearby badger sett.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 24/11/2013

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposals are for the construction of a retaining wall and creation of a raised garden terrace area to the rear of the existing dwelling. The application is partly in retrospect as the retaining wall is substantially complete. Part of the retaining wall as built is proposed to be removed to ensure the terrace area is wholly within the boundaries of the residential curtilage of the dwelling and does not encroach into the adjoining Site of Special Scientific Interest (SSSI).

1.1.2 A temporary track has been created to access the upper areas of the site. Restoration of this area form part of this application.

1.2 Description of site and surroundings

1.2.1 The property is a detached residential dwelling located to the southern edge of Prestatyn.

1.2.2 The site is steeply sloping upwards from front to the rear with the proposed raised garden area being located in an elevated position above the dwelling.

1.2.3 The access track has been created in an area designated as a SSSI containing a blanket Tree Protection Order (TPO).

1.3 Relevant planning constraints/considerations

1.3.1 The application site lies partly within the Prestatyn Hillside SSSI, the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and the Prestatyn Hillside blanket TPO area. The site is located outside the development boundary of Prestatyn as defined by the Local Development Plan.

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 The application has been submitted following an enforcement investigation identifying a breach in planning control.

1.6.2 The area of land where the temporary access has been created is in the ownership of Denbighshire County Council.

2. DETAILS OF PLANNING HISTORY: None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy VOE5 – Conservation of natural resources

3.1 Supplementary Planning Guidance

SPG 6 - Trees and Development

SPG 18 - Nature Conservation and Species Protection

3.2 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology

4.2 In relation to the main planning considerations:

4.2.1 Principle
The principle of alterations to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Subject to the removal of the area of terrace which projects into the adjacent SSSI, Officers are satisfied that the development is fully contained within the established residential curtilage.

4.2.2 Visual amenity
In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The AONB Joint Advisory Committee have advised that they are concerned about the visual impact of the raised garden terrace area and consider it essential that the associated retaining wall is finished in natural local stone. Natural Resources Wales (NRW) have advised they do not consider that the proposal would have adverse effects on the AONB due to the nature and magnitude of the proposal. It is proposed to finish the proposed retaining wall in natural stone cladding.

Having regard to the design, scale and location of the proposed raised garden terrace it is considered that the proposals would not have an unacceptable impact on visual

amenity or the wider landscape. The proposals are therefore considered acceptable in relation to the policies listed above.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The proposed terrace area would be located in a significantly elevated position approximately 30m from the neighbouring dwelling known as Gorsehill and more than 50m from the dwellings to the west on Cambrian Drive. Due to the topography of the site a degree of overlooking existed prior to the development commencing.

Having regard to the existing layout of the garden area, boundary treatments and the distance of the terrace area from the neighbouring dwelling, it is considered that the proposals would not have an unacceptable impact on residential amenity.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Unauthorised works have been undertaken on land that is subject to a protective SSSI designation. The unauthorised works within the SSSI include part of the retaining wall as constructed and the temporary access track. The area of retaining wall encroaching on the SSSI is proposed to be removed and the restoration measures are proposed for the affected SSSI. The Biodiversity Officer and NRW have both raised no objection to the proposals subject to restoration in relation to the SSSI being undertaken. NRW have specified the restoration measures that are necessary. The Biodiversity Officer has confirmed that a licence issued by the Welsh Government would be required for certain types of works in close proximity to a nearby Badger sett.

Officers consider it imperative to ensure that restoration of the site is secured in order to minimise/reverse any damage caused. Therefore it is considered that the proposal would be acceptable subject to appropriate and timely restoration being secured by a planning condition in line with the recommendations of NRW. In relation to the protection of badgers it is considered appropriate to notify the applicant of the potential need for a licence for works from the Welsh Government through a note to applicant.

4.2.5 Impact on TPOs

PPW paragraph 5.2.9 states that trees, woodlands and hedgerows are of great importance both as wildlife habitats and in terms of their contribution to landscape character and beauty. Trees, woodlands and hedgerows also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. It is also advised that Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to

the character or amenity of a particular locality. Paragraph 5.5.13 states that Local Authorities have a duty to ensure that adequate provision is made for the planting or preservation of trees by imposing conditions when granting planning permission.

The Town Council have objected to the proposals on the basis of the visual scar caused due to the removal of vegetation and trees subject to a blanket TPO. The Town Council have suggested that the TPO should be enforced and replacement trees provided. In the interest of the restoration of the SSSI, NRW have advised that the area of affected woodland should be allowed to re-vegetate naturally. 4no. mature trees remain in the area of affected woodland where vegetation has been removed.

The concerns of the Town Council in relation to the TPO protected woodland and the desire to secure replacements are duly noted. However, in this instance it is considered that greater weight must be given to the restoration of the SSSI. In line with this priority it is considered that replacement trees are not required and the affected area is allowed to naturally re-vegetate in accordance with the recommendations of NRW.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the visual impact of the proposed raised terrace area would not be unacceptable and would not have an adverse impact on the AONB. Although works have been undertaken that have potentially been detrimental to a protected area of woodland (subject to SSSI and TPO designations) it is considered desirable to ensure appropriate restorative measures, specifically relating to the SSSI, are secured. On the basis of the above it is respectfully suggested that permission be granted subject to conditions relating to restoration.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The proposed works/restoration shall be completed in accordance with the following recommendations within 2 months of the granting of this permission unless otherwise agreed in writing by the Local Planning Authority;
 - The boundary fence as proposed shall be erected to identify the notified SSSI boundary abutting the curtilage of the dwelling known St Marys as defined within the submitted method statement
 - The southern 1800mm (1.8m) section of the retaining wall, and all its footings must be removed so that no section of wall remains within the SSSI
 - All earth, rock and shale placed on the SSSI will be carefully removed down to the original ground level, as identified by that of the adjacent land. Material will be removed by hand in the vicinity of the trees identified on the plan and any other, younger trees that are present in relevant parts of the SSSI
 - Once levelling is complete, the area shall not be disturbed and shall be allowed to re-vegetate naturally
 - Access into the SSSI land from Bishops Wood road is to be prevented by the erection of fencing in accordance with the approved plan
 - Details of a 5 year programme of surveillance for, and removal of, non-native invasive plant species on the designated SSSI shall be submitted and approved in writing by the Local Planning Authority. Any measure identified shall be implemented.

The reason(s) for the condition(s) is(are):-

1. In the interest of restoration and protection of the SSSI.

NOTES TO APPLICANT:

No planting of any sort is to take place on the SSSI without separate consent from NRW.

The area is also known to be used by badgers. If any works are to take place within close proximity to a badger sett (30m for heavy machinery, 20m for light machinery and/or 10m for hand digging/scrub removal) then a licence from Welsh Government is required. An assessment for badgers should be undertaken to ensure no disturbance occurs.



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Graham Boase
 Head of Planning & Public Protection
 Denbighshire County Council
 Caledfryn
 Smithfield Road
 Denbigh
 Denbighshire LL16 3RJ

Tel 01824 706800 Fax: 01824 706709

Heading:

43/2013/1353/PF
 55 Pendre Avenue
 Prestatyn

3



Application Site

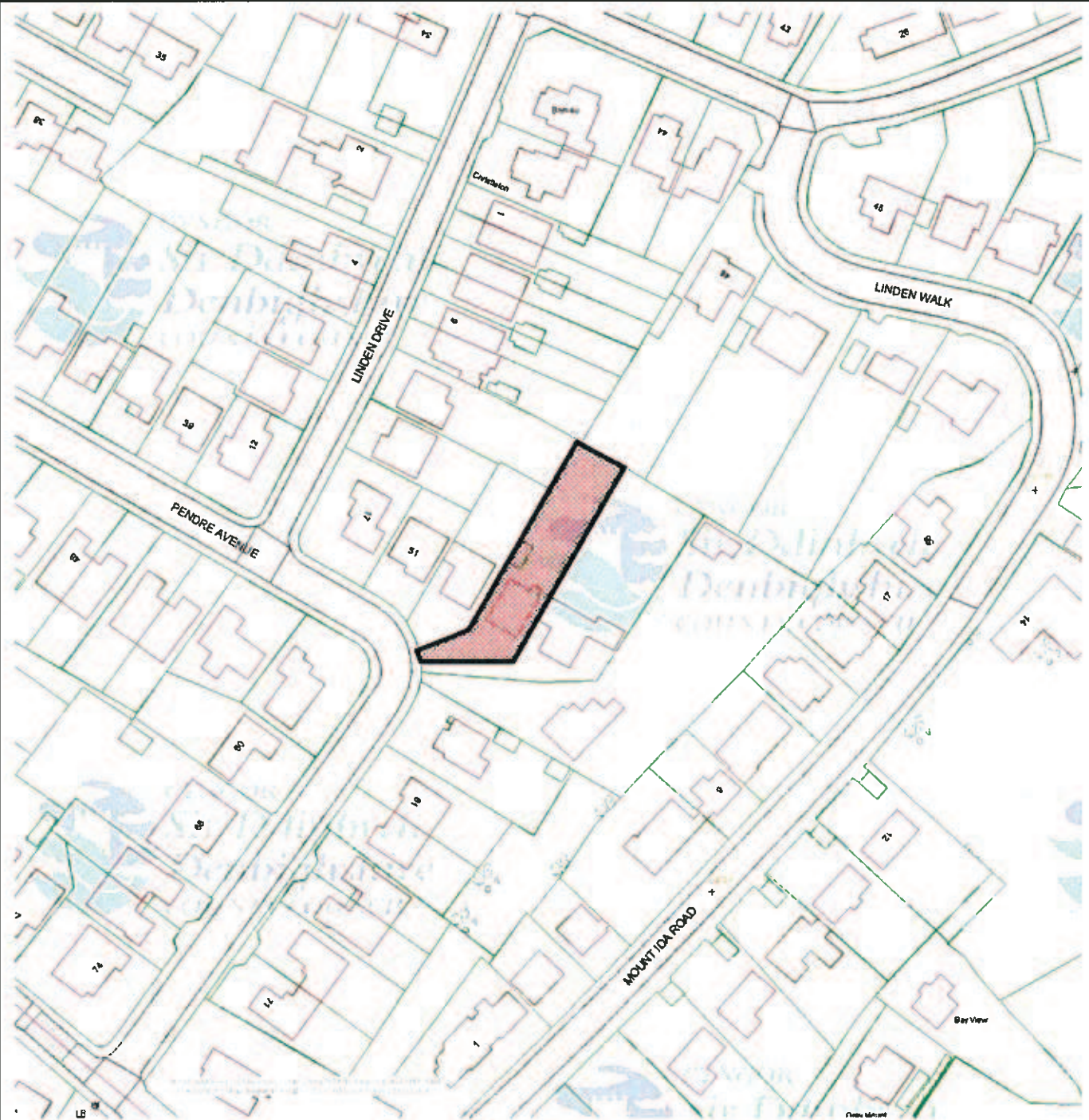


Date 25/11/2013

Scale 1/1250

Centre = 307239 E 382410 N

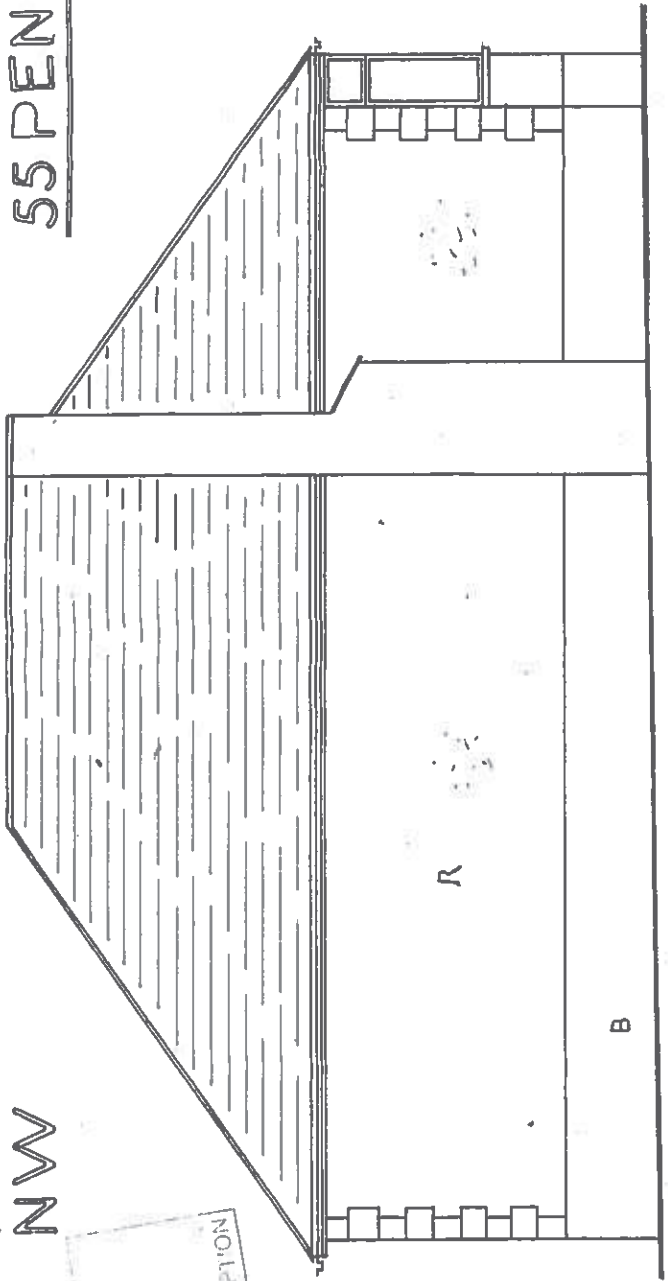
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council 100023408 2011

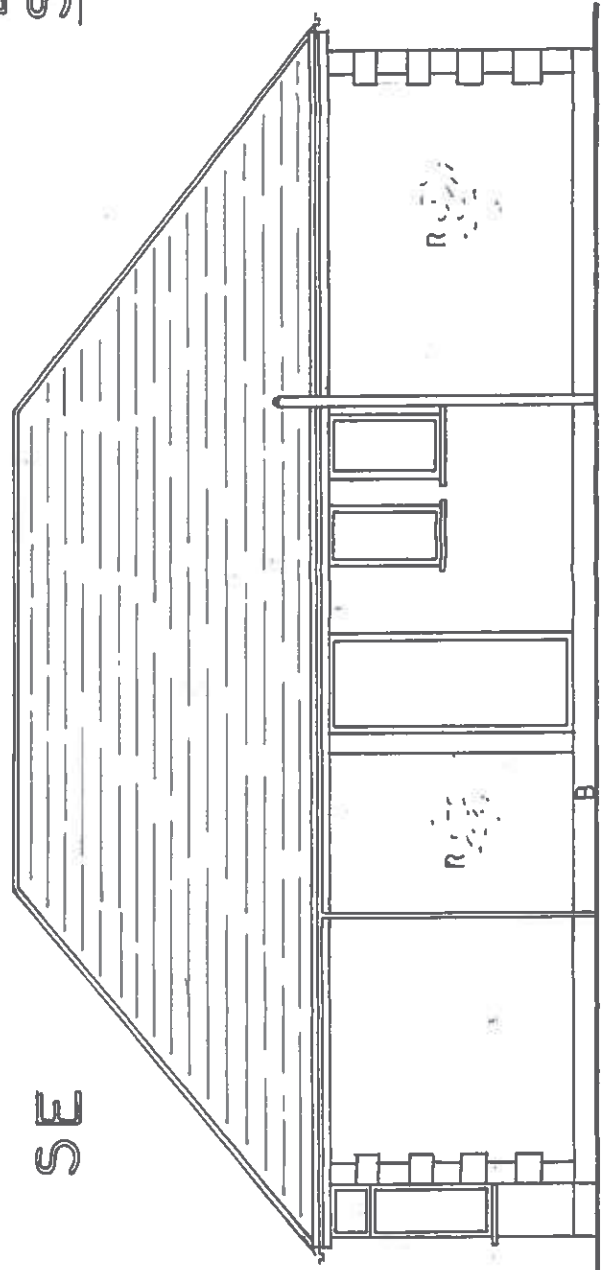
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey a gan Rheolwr Llyfrau, Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain i broseciwn neu achlysuadau sifil. Cyngor Sir Ddinbych, 100023408, 2011

55 PENDRE AVENUE,
PRESTATYN.



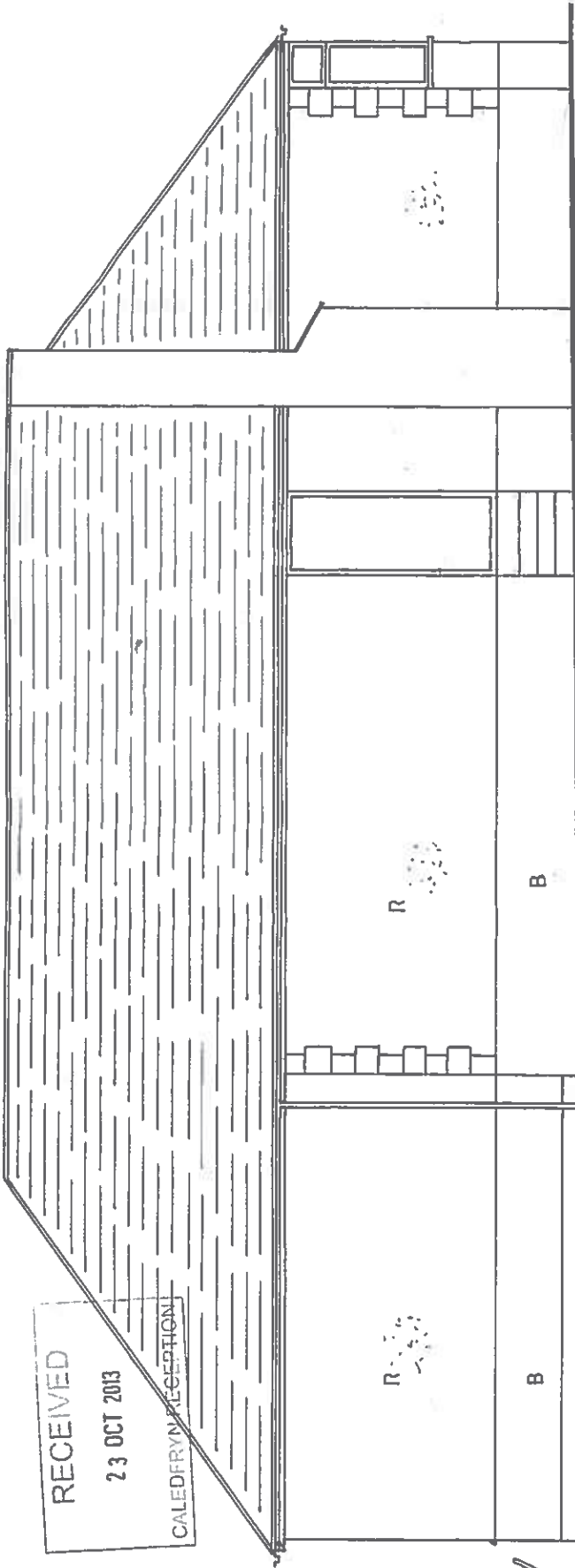
RECEIVED
23 OCT 2013
CALEDFRYN RECEPTION

Existing
Side Elevations



Scale: 1:50

RECEIVED
23 OCT 2013
CALEDERYN RECEPTION

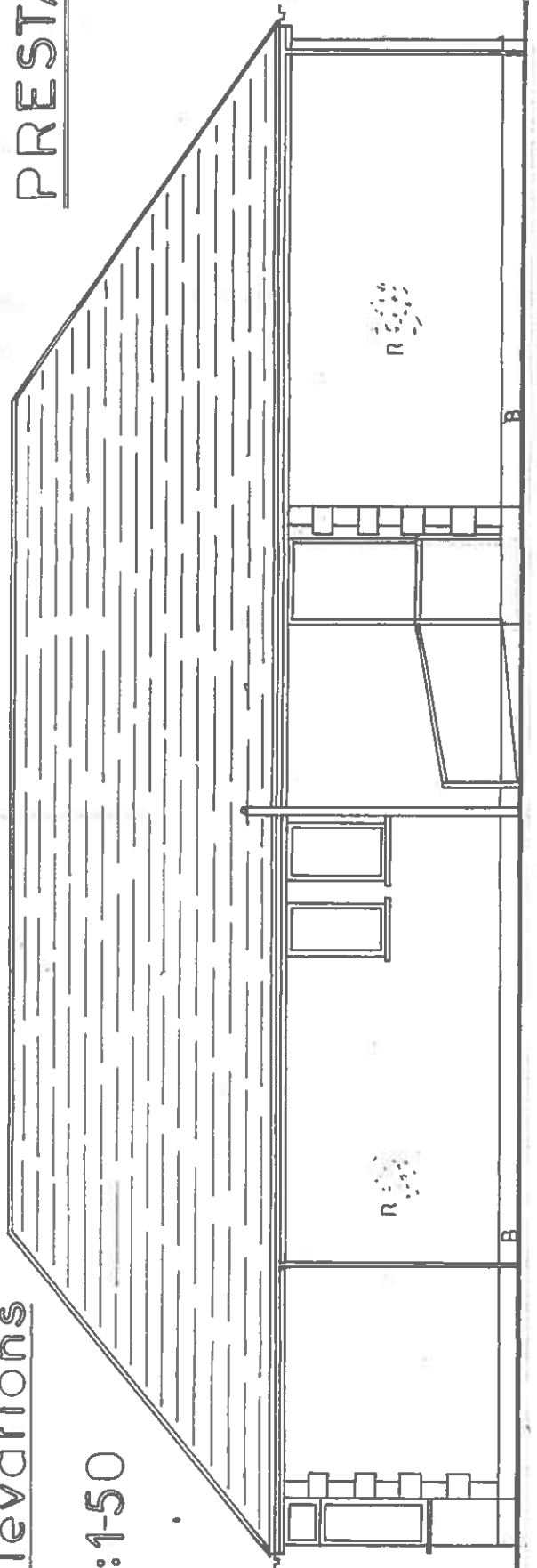


NW

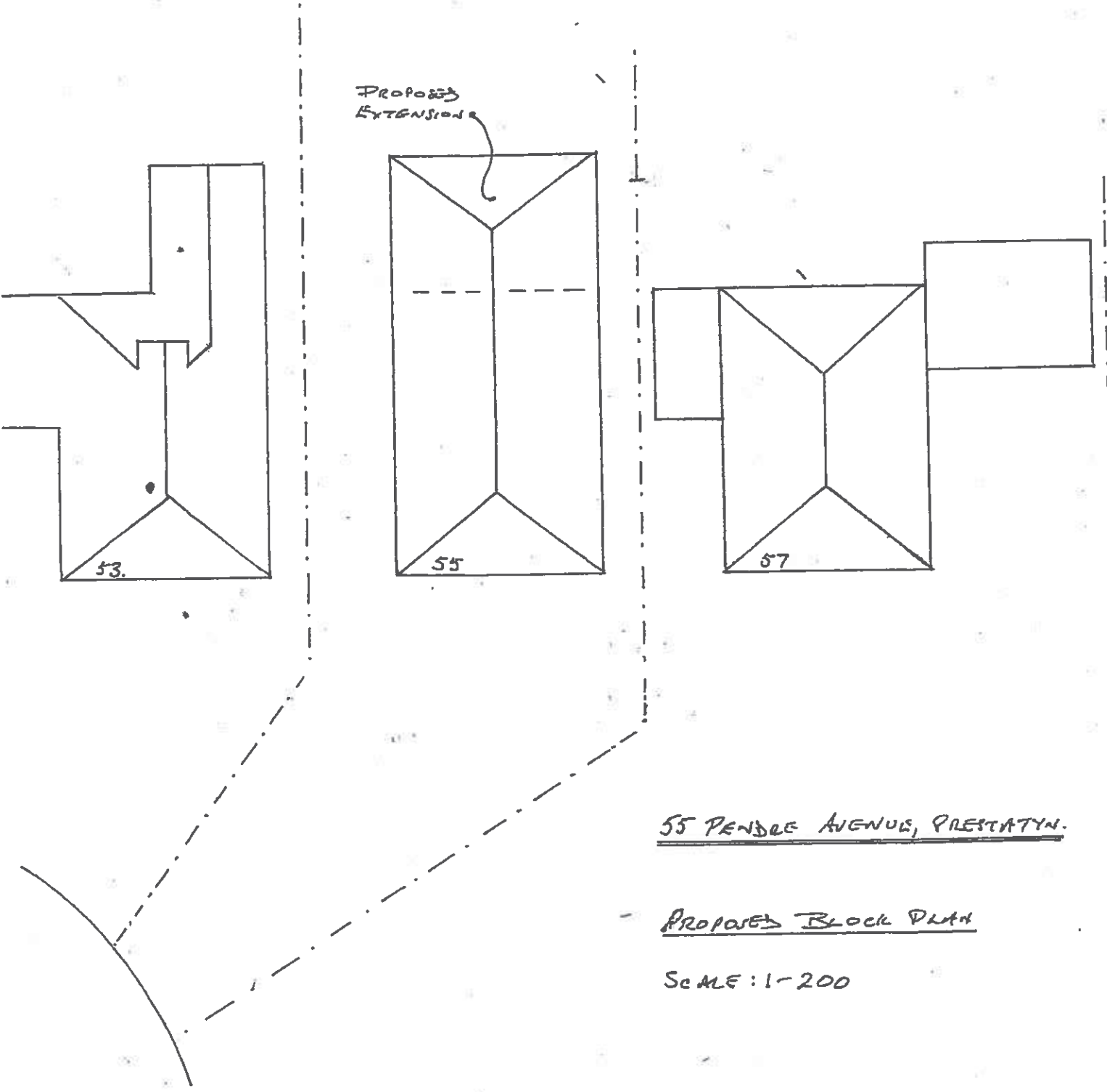
55 PENDRE AVENUE,
PRESTATYN.

Proposed
Side Elevations

Scale: 1-50



SE

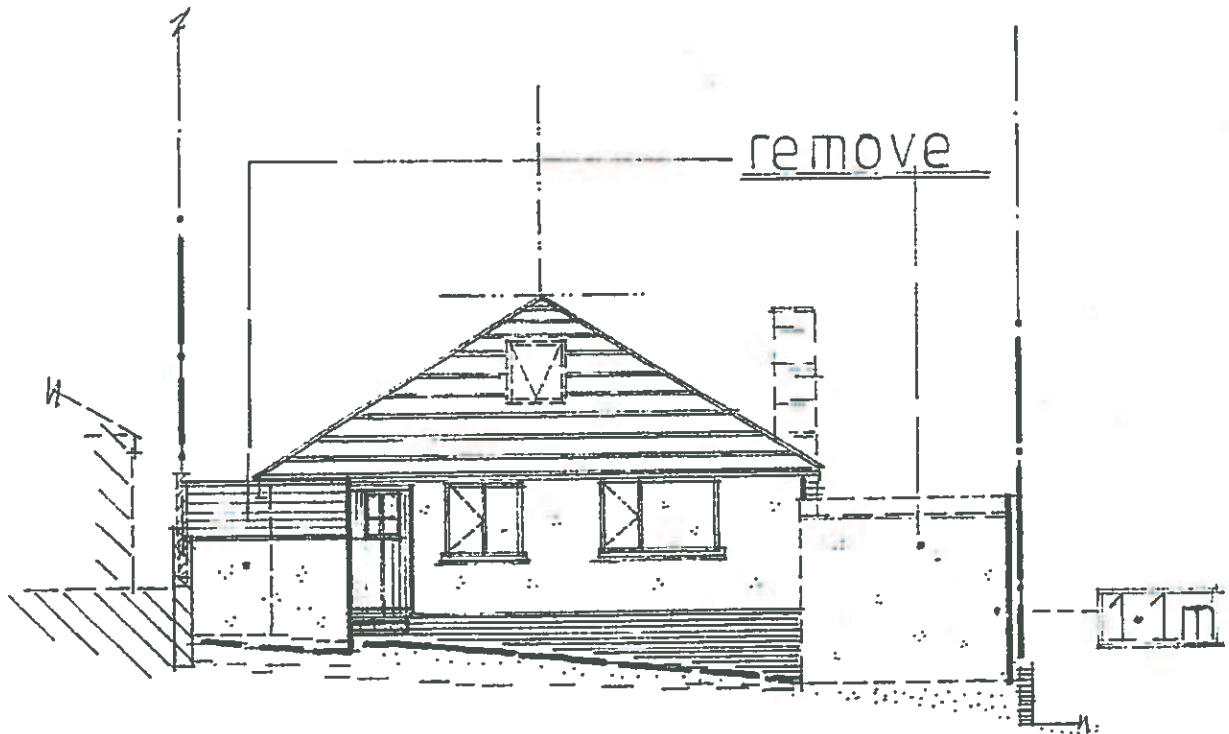


55 PENBRE AVENUE, PRESTATYN.

PROPOSED BLOCK PLAN

SCALE: 1-200

REVISED PLAN



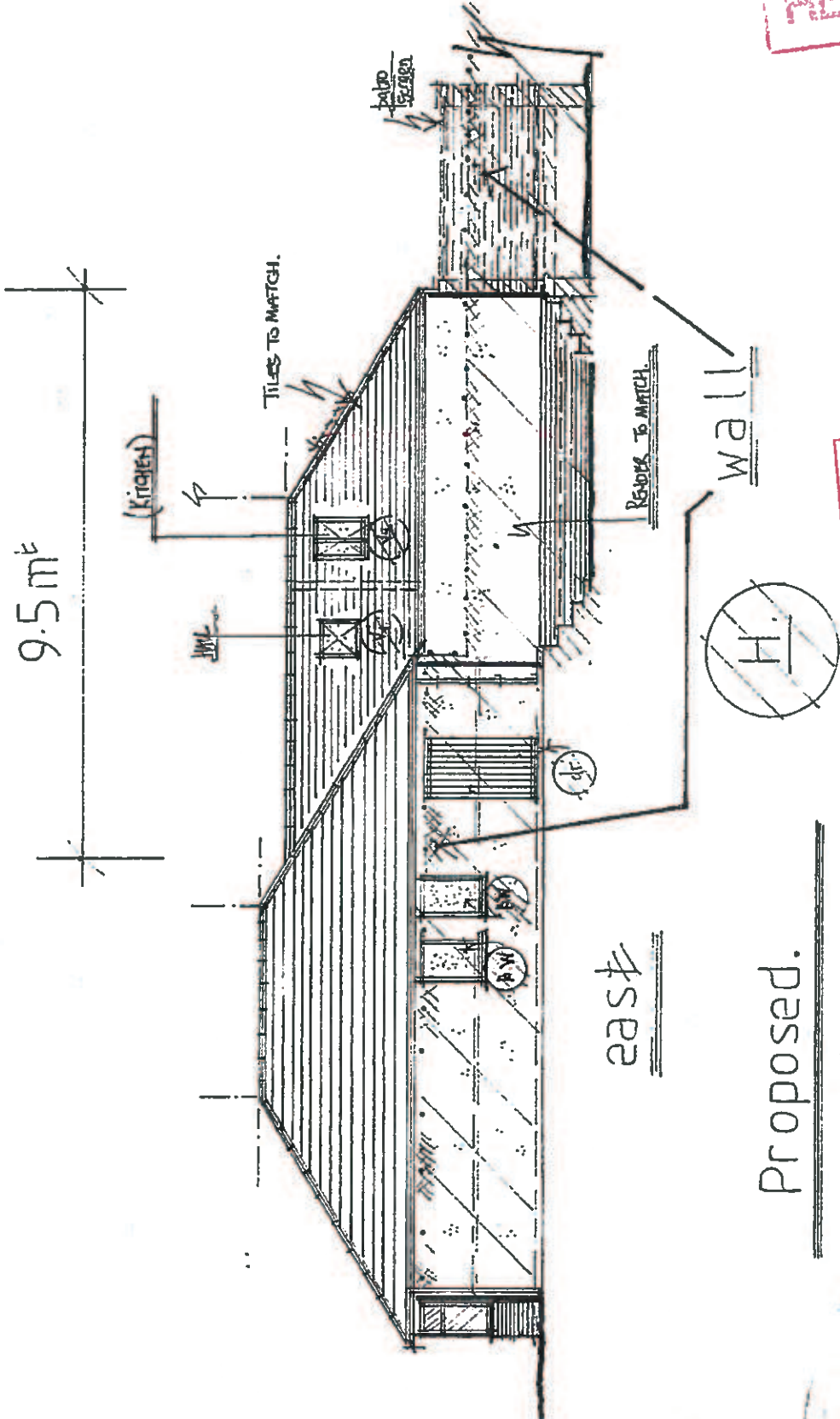
REFUSED
24 JUL 2013

n.east.
Existing.
1:100.



WILBY
COUNCIL
REFUSED
-4 JUN 2013
DENY H
PLANNING SE

REVISED PLAN

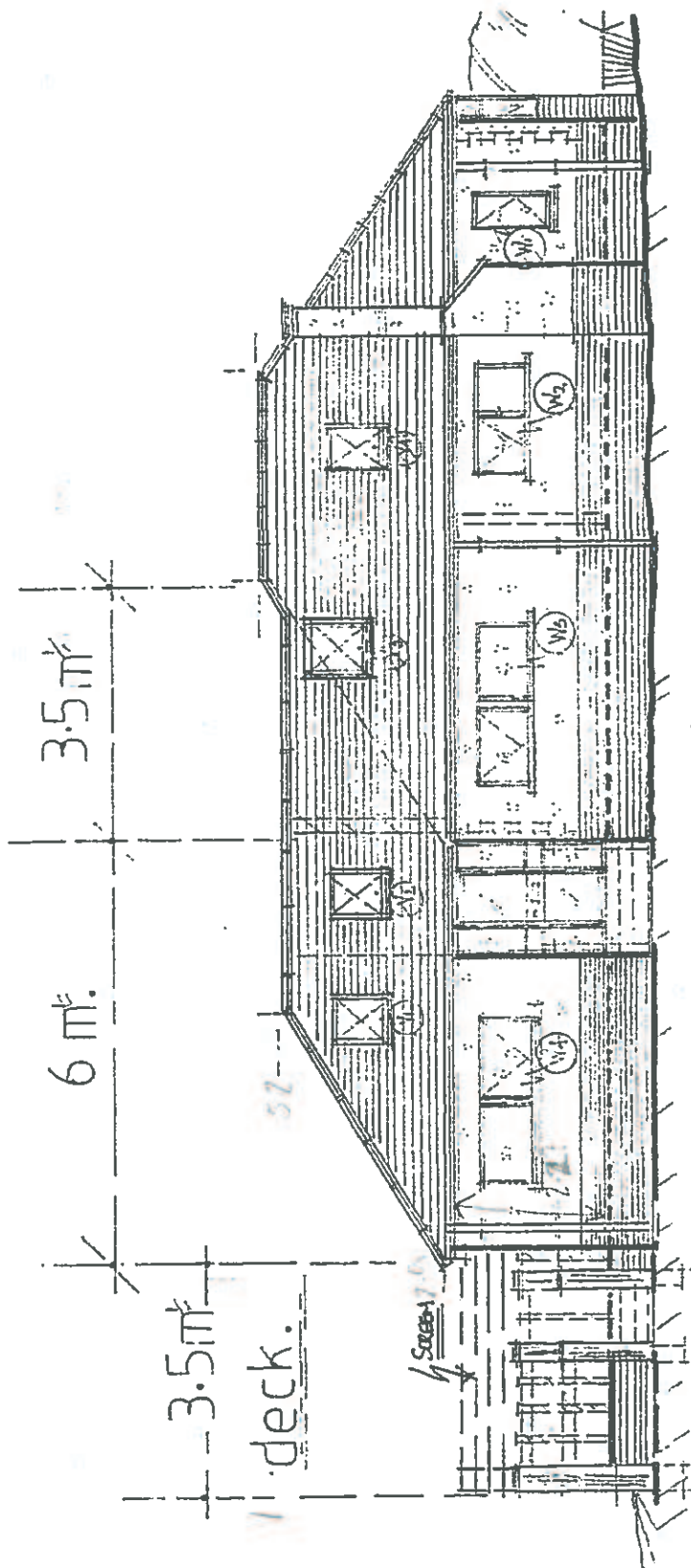


REFUSED
24 JUL 2013

Proposed.
1:100.

-4 JUN 2013
DENBIGH
PLANNING SERVICES

REVISED PLAN



B.

Proposed 1:100.

REFUSED
24 JUL 2013

DENBIGH COUNCIL
 DENBIGH
 PLANNING SERVICES
 - 4 JUN 2013

ITEM NO: 3
WARD NO: Prestatyn East
WARD MEMBER(S): Councillors James Davies & Julian Thompson Hill
APPLICATION NO: 43/2013/1353/ PF
PROPOSAL: Erection of a single storey extension to rear of dwelling
LOCATION: 55 Pendre Avenue Prestatyn
APPLICANT: Mrs Tina Gray
CONSTRAINTS:
PUBLICITY UNDERTAKEN: Site Notice – No Press Notice – No Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant – Town Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

"Objections. Roofline is too high for location and visually intrusive"

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mrs. M. Adams, 57 Pendre Avenue, Prestatyn

Mr. & Mrs. P. Jones, Woodlands, 57A, Pendre Avenue, Prestatyn

Summary of planning based representations in objection:

Impact on amenity - Loss of light, overbearing impact, Loss of privacy

Visual impact - Out of scale with locality

In support

Representations received from:

P & A Dallimore, 53 Pendre Avenue, Prestatyn

Summary of planning based representations in support:

Development beneficial to the neighbourhood

EXPIRY DATE OF APPLICATION: 17/12/2013

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for the erection of a single storey extension to the rear of the existing property. The extension would project to the rear of the property by 5m and would have a hipped roof (see plans at front of report).

1.1.2 This application is a re-submission following a previous refusal of permission by Planning Committee in July 2013. The proposed extension has been reduced in overall projection from the rear of the existing property from 6m to 5m. The height of

the extension proposed has been increased from 5m on the previously refused scheme to 5.8m on this scheme. (Plans containing the previously refused scheme as compared to the current scheme are shown on the front of the report).

1.2 Description of site and surroundings

1.2.1 The existing property is a detached residential bungalow located in a residential area of Prestatyn.

1.2.2 The site slopes down from east to west with the neighbouring property at no. 57 being set at a higher level and the property at no. 53 being set at a lower level. There is an existing single storey extension to the rear of no. 53. The site also slopes down from front to rear.

1.3 Relevant planning constraints/considerations

1.3.1 The property is within the development boundary of Prestatyn as defined by the Local Development Plan.

1.4 Relevant planning history

1.4.1 Permission was refused previously for a single storey extension contrary to Officers' recommendation. The reason for refusal issued was as follows;

'In the opinion of the Local Planning Authority, the proposed extension would have an unacceptable impact on the residential amenities of the occupiers of adjacent dwellings at 57 Pendre Avenue and 53 Pendre Avenue by virtue of its projection and scale, which would appear overpowering, and contrary to Policy RD1 (i) of the Denbighshire Local Development Plan and guidance in Supplementary Guidance Note No. 1 relating to the detailing of extensions.'

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 The originally refused application is currently subject to an appeal to the Planning Inspectorate, the decision of which is awaited at the time of writing this report.

2. DETAILS OF PLANNING HISTORY:

2.1 43/2013/0203 Erection of single storey extension to rear of dwelling REFUSED at Planning Committee 24/07/2013

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN (adopted 4th June 2013)

Policy RD 1 - Sustainable Development and Good Standard of Design

Policy RD 3 - Extensions and Alterations to Dwellings

3.2 Supplementary Planning Guidance

SPG 1 - Extensions to Dwellings

SPG 7 - Residential Space Standards

SPG 24 - Household Development Design Guide

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Impact on Residential Amenity

4.1.3 Visual Amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extensions to existing dwellings is acceptable subject to consideration of detailing and impacts. Policy RD3 sets out tests to ensure the proposals have an

acceptable impact on the amenity and appearance of the host dwelling. Policy RD1 contains tests requiring development not to have an unacceptable impact on the amenity and appearance of the locality.

4.2.2 Impact on Residential Amenity

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself. Test iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site, to ensure that sufficient external amenity space is retained. SPG 1 states that the depth of rear extensions should not project beyond a 45 degree line as drawn from the midpoint of the cill of a principal window on the adjoining property. This is only a consideration where the height of the extension projects above the 25 degree line as drawn from the same point. SPG 1 also advises that any extension more than 4m in depth on a detached dwelling should be within a 45 degree angle from the 4m dimension on the boundary. SPG 1 also advises that the height to the ridge of a single storey extension should not exceed 4m above existing ground level unless it can be demonstrated that amenity standards can be preserved. In relation to private external amenity space, SPG 1 requires that 40m² or 75% is retained.

The proposed extension would project to the rear by 5m and would have a hipped roof. The proposed rear extension complies with the maximum depth requirements outlined above. The maximum height of the ridge of the extension would be approximately 5.8m as measured from ground level. There is an existing extension to 53 Pendre Avenue which projects to the rear by approximately 4.8m.

It is noted that the height of the extension exceeds the suggested 4m maximum. However, having regard to the topography of the site, the existing rear extension to no. 53 and the elevated position of no. 57, there would not be an unacceptable impact on residential amenity by virtue of the overall height of the extension. Having regard to the above and the compliance with other supplementary guidance, it is considered that the proposals would not have an unacceptable impact on residential amenity.

4.2.3 Visual Amenity

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building. SPG 1 states that extension in the form of continuation, where the height of a proposed extension matches that of the existing dwelling, will only usually be successful where the extension is relatively small compared to the original dwelling.

The proposed extension is located to the rear of the property and would not be visible from most public viewpoints. The extension would project 5m to the rear of the existing dwelling. The existing dwelling measures approximately 10.5 in length. The extension would represent a continuation of the existing dwelling in terms of height and roof pitch.

As the extension is to the rear of the property and represents an addition of less than 50% it is considered that the extension, taking the form of a continuation of the original dwelling, would not be unacceptable. It is considered that the location to the rear of the property means the proposed extension would not be dominant in relation to the original dwelling. Having regard to the above it is considered would have an

acceptable impact in relation to visual amenity.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposals would not have an unacceptable impact in relation to residential or visual amenity and it is therefore recommended permission be granted.

RECOMMENDATION: GRANT: - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

NOTES TO APPLICANT:

WELSH WATER Note to Applicant: Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

This page is intentionally left blank

PLANNING COMMITTEE 13TH NOVEMBER 2013

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

PLANNING APPEAL

IMPORTATION OF INERT WASTE MATERIALS FOR RECYCLING AND USE IN RESTORATION OF QUARRY WORKINGS

MAES Y DROELL QUARRY, GRAIANRHYD ROAD, LLANARMON YN IAL

APPLICATION NO. 15/2011/0692/PF

1. Purpose of Report

- 1.1. The purpose of this report is to request Members' consideration of matters arising from legal and specialist highway consultant opinion on the reasons for refusal of the above application, which will be the subject of a public inquiry.
- 1.2. The report seeks a steer from Members on the Council's stance given the changes to local policy and national policy since the refusal decision in February 2013.

2. Background

- 2.1. The application was determined at Planning Committee on February 20th 2013. Planning permission was refused for three reasons. These are reproduced in Appendix 1 to the report. There were two reasons relating to highway matters and one relating to residential amenity. The Officer report to Planning Committee on the item is attached as Appendix 2.
- 2.2. Following the lodging of the appeal, The Planning Inspectorate has confirmed a start date for the appeal process (the 24th October 2013) and has advised that the appeal will be dealt with by way of a public inquiry in February 2014.
- 2.3. Since the refusal of planning permission, Members will be aware that the local planning authority has adopted its Local Development Plan (LDP) on the 4th June 2013. The LDP supersedes the Unitary Development Plan (UDP) as the Council's Development Plan, and introduces changes to local level policy in relation to proposals for waste management. The Inspector who determines the appeal will be duty bound to consider relevant policies of the development plan.
- 2.4. In the period since the refusal of permission, Officers have sought advice on the case in support of the highways reasons for refusal, and have also become aware of revisions to national waste planning policy, through a draft revised Technical Advice Note (TAN) 21, which was issued for consultation in March 2013. The final revised TAN 21 is expected to be published in winter 2013/14. The draft guidance is considered to be material to the outcome of the appeal, and will also need to be considered by the planning inspector.
- 2.5. The appeal Inspector will attach considerable weight to the policies of the LDP and more recent national policy, rather than the Unitary Development Plan (UDP) in the assessment of the proposals.
- 2.6. The above context has obliged Officers to consider the implications for the presentation of the Council's case at the inquiry.
- 2.7. Significantly, the LDP contains policies which are materially different to those of the UDP. In relation to the basic land use issues involved in the reasons for refusal, the changes in policy are not considered significant enough to warrant a fundamental change in the

Council's stance at the forthcoming inquiry. However, there are policy changes which are considered significant enough to draw to the attention of the appeal Inspector as part of the process, and these relate to the acceptability of the proposal in principle and in particular the need for the proposal. These impact upon the detailed presentation of the Council's case in opposition to the proposal, and are dealt with in the following paragraphs. Highway matters are referred to in sections 2.20 – 2.25 of the report.

Principle

- 2.8. The principle of the proposed development in this location was considered in terms of:
- The principle of importing material to assist in the restoration of the quarry; and
 - The principle of a recycling facility in this location.
- 2.9. Maes Y Droell is an operational quarry with planning permission to extract mineral until 2042. There is a restoration scheme, which was approved under permission 15/384/96 and which this proposal seeks to modify through the importation of inert material and the creation of alternative restoration profiles. Minerals Planning Guidance Note 7 (which is cancelled for aggregate, but not for other types of mineral extraction) acknowledges the use of fill material (including wastes) for quarry restoration.
- 2.10. The applicant submitted a Statement of Need in support of the proposal which set out the need for disposal of inert materials, the requirement for inert waste facilities, need for disposal capacity and the requirement for financial support for restoration. No detailed financial information has been submitted and the need for inert facilities is based upon data contained in the North Wales Regional Waste Plan (2004) and the North Wales Regional Waste Plan 1st Review (2009). The Welsh Government issued a Policy Clarification letter, CL-01-12 on the 1st of November 2012 which advises that the Collections Infrastructure and Markets Sector Plan (CIMSP)(2012) updates the position on need in relation to proposals for waste management. The CIMSP did not give clear guidance as to the spatial requirement for facilities for the management of inert waste, including inert waste disposal and this issue was discussed in the Officer's Report to Planning Committee in February 2013. The revised draft TAN provides clarity on this issue but was not published until after the decision was made with respect to this application.

Importation: Need for restoration

- 2.11. In terms of the principle of importing waste material to assist in the restoration of the quarry, this is still considered acceptable. The LDP does not contain a specific restoration policy and Minerals Planning Policy Wales (MPPW) advises that reclamation standards should be identified at the local level. What is therefore questionable is whether the level of importation proposed is necessary to achieve a *satisfactory* restoration, particularly taking into account the change in national policy (revised draft TAN 21) which seeks to ensure material is recycled where possible. Since the Officer's report was written the Welsh Government has issued a revised draft TAN 21 which states that "*landfilling inert waste is not acceptable in most circumstances and without exceptional justification planning applications for inert landfill should be refused. The restoration of quarries using inert waste may prove to be an exception and in such circumstances close working between planning authorities and NRW (Natural Resources Wales) will be necessary to achieve a satisfactory outcome.*" The end use, for grazing and wildlife, is such that the level of restoration proposed (the 'full' landform) is not considered necessary to achieve a satisfactory level of restoration. It is considered that a satisfactory level of restoration can be achieved without the level of importation proposed in the appeal scheme. No exceptional circumstances to warrant a different view have been presented by the Appellants in the view of your officers.

Achieving restoration in the event that the appeal is dismissed

- 2.12. In the event that the appeal is dismissed, restoration of the site can still be secured through the Review of Old Mineral Permissions (ROMP) process. The applicant has submitted a ROMP application which the Council is currently holding in abeyance

pending the outcome of this inquiry. There is also an approved restoration scheme under permission 15/384/96 and whilst the applicant states that some additional material would need to be imported to achieve the approved levels it is far less than that which is required under the full restoration scheme submitted under the appeal scheme. In addition, some parts of the quarry have already been reclaimed by nature, demonstrating that natural regeneration will occur without active intervention.

Importation: Need for disposal capacity

- 2.13. Policy VOE 8 of the Local Development Plan (LDP) is the local policy against which proposals for waste management outside development boundaries are assessed. Policy VOE 8 requires proposals to meet a number of detailed criteria including *'there is an unmet need identified in the Regional Waste plan or the proposal relates to the management of waste generated and to be dealt with entirely on that site'*. The Regional Waste Plan 1st Review (2009) identified that Denbighshire would have a need for 9,245 tonnes per annum, however, the Welsh Government issued a policy clarification note advising that the Collections, Infrastructure and Markets Sector Plan provides an updated position on need. The CIMs Plan states that C&D waste is not covered in detail as it is addressed in the C&D Sector Plan. In relation to residual C&D waste, the Welsh Government estimates (in the CIMs) that between 200 and 250 thousand tonnes per annum (tpa) capacity may be required for this waste stream (page 76) at an all Wales level. There is no further advice on the level of disposal required for this waste stream but crucially, the revised draft TAN 21 actively states that disposal for inert waste is not acceptable in most circumstances.
- 2.14. In 2012 just under 116,000 tonnes of waste was disposed of in inert landfills (in 2011 119,796 was disposed of) in North Wales. Since 2001 volumes of inert waste disposed of at inert landfills in North Wales have fluctuated significantly and are most likely influenced by large scale construction projects undertaken in particular years, although the volumes deposited have not exceeded 181,000tpa since 2000 (the earliest this data set goes back to). Inert waste can also be managed at non-hazardous landfills; however, there is a general requirement for such wastes as they can be used as daily cover, to construct haul roads and as part of the restoration and capping. North Wales is relatively self sufficient with regards to the disposal of inert waste in inert landfills, although there may be waste which is not recorded as originating from the region which is managed elsewhere because of the nature in which waste data is collected. At the end of 2012 there was just under 928,000 cubic metres of void remaining at permitted inert landfills, not taking into account capacity at Llanddulas landfill in Conwy or Parry's Quarry in Flintshire. Planning permission was granted in 2009 on appeal at Parry's Quarry, Alltami, which includes a 400,000 wedge for inert waste. A permit application has been submitted to Natural Resources Wales and a number of conditions discharged, although the planning permission has not been implemented to date. This would provide inert disposal capacity which is within a reasonable distance of the appeal site and which is able to cater for the local markets around Mold.
- 2.15. Given the rates of deposition observed over the last two years in relation to inert waste the level of permitted void available within North Wales is considered well in excess of the void required to enable the region to manage its own inert waste disposal for the next 10 years. In Officer's view there is currently no need for additional inert disposal capacity within the region.

Recycling

- 2.16. Policy MEW 5 of the UDP provided explicit support for the location of recycling activities for construction waste in old quarries. National policy also identifies that quarries may be suitable locations for such activities. Policy MEW 5 was not taken forward into the LDP and will therefore not be used to determine the appeal.
- 2.17. During the development of the LDP sites across the County were evaluated to determine their suitability for waste management uses which culminated in the identification of a number of named sites which would be allocated for waste management under policy VOE7. Maes Y Droell is not a named location within the policy. Policy VOE 7 also

identifies that such uses will generally be acceptable on existing industrial estates. Maes Y Droell is not an industrial estate and is located outside the development boundary. The proposal would therefore fall to be evaluated under policy VOE 8 which provides guidance for waste management outside development boundaries. The policy allows waste activities outside development subject to a number of detailed tests, including (i) *there is an unmet need identified in the Regional Waste Plan, (ii) allocated sites are either unavailable or unsuitable for the proposed activity; and iii) there are no suitable sites within the development boundary.* The North Wales Regional Waste Plan 1st Review didn't identify a need for additional construction and demolition recycling in Denbighshire, though it did identify an additional requirement for neighbouring authorities Flintshire¹ (38,810) and Conwy (81,229).

2.18. There is general support for recycling infrastructure in national policy, however, there is very little commentary as to where or how much infrastructure is required. The recycling element of the proposal is expected to widen the markets from which the appellant can source waste and minimises the volume of recoverable material being used to fill the quarry void. The applicant also advised that co-locating the disposal and recycling activities reduces the distance that waste has to travel. There is therefore benefit in the recycling element of the appeal scheme being located at the quarry. However, in practice, inert waste recycling facilities across North Wales are often stand alone facilities which demonstrate that it is not essential to co-locate recycling and disposal activities. Given that there are existing permitted sites and allocated sites within reasonable distance of the appeal site it is considered that the proposal does not meet the requirements of policy VOE 8 of the LDP.

2.19. The planning application was submitted and determined within the policy context provided by the Unitary Development Plan. Although the Collections, Infrastructure and Markets Sector Plan had been published and the Policy Clarification Note had been issued at the time the decision was made in relation to this application, the determination was made prior to the publication of the revised draft Technical Advice Note 21, which advises that landfilling inert waste is not acceptable in most circumstances. In Officers' view, these changes are of fundamental significance, and would now lead Officers to take a different line on the acceptability of the proposal. In light of these changes the proposal is considered to be contrary to policy VOE 8 of the adopted LDP and the draft revised Technical Advice Note (TAN) 21.

Highways

2.20. Following the adoption of the LDP, the context for consideration of highways impacts of development in open countryside is set out in Planning Policy Wales 3.1.4, which refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on planning applications.

2.21. In relation to highway matters, permission was refused on the following grounds :

Reason for refusal 1:

In the opinion of the Local Planning Authority, the development is unacceptable on highway grounds in that the proposals would result in the generation of additional heavy goods vehicle traffic movements on an inadequate rural road network, being likely to lead to dangers for existing and proposed road users and affecting the safe and free flow of traffic, in conflict with Policies GEN 6 vii, TRA 6, and MEW 11 viii of the Denbighshire Unitary Development Plan.

¹ Since then, the planning permission at the Wire Works (Hendre) was granted planning permission and the condition which prevented the importation of aggregate for recycling at Moel Y Faen has been removed.

Reason for refusal 2:

The submitted plans do not demonstrate that a safe and satisfactory new vehicular access with adequate visibility splays can be constructed onto the highway in order to serve the development, and in the absence of such plans, the Local Planning Authority do not consider the proposals are acceptable on highway safety grounds, the existing access and approach road / junction serving the old quarry being inadequate to accommodate additional heavy goods vehicle traffic, all being likely to lead to additional dangers for existing and proposed road users, affecting the safe and free flow of traffic on the highway in the vicinity of the site, in conflict with Policies GEN 6 vi and vii, TRA 6, and MEW 11 viii of the Denbighshire Unitary Development Plan, and the guidance in Technical Advice Note 18: Transport.

- 2.22. Having regard to the above reasons, and in preparation for the appeal, the Council has sought advice from a Highways Consultant and Leading Counsel on the substance of the case in support of the specific grounds of refusal. The Summary of the Highway Consultant's assessment is included as Appendix 3.
- 2.23. In relation to reason 1, the Highway Consultant considers the highway has sufficient capacity to accommodate the proposed increase in traffic arising from the appeal scheme and there are no highway safety concerns arising from the proposal other than those relating to the access, which is the subject of reason for refusal 2. In light of this, it is recommended that reason for refusal 1 is not pursued, save in so far as it pertains to reason for refusal 2.
- 2.24. In relation to reason 2, the Highway Consultant considers the reason for refusal should be pursued, but notes that this reason for refusal might be capable of being addressed by the applicant through the submission of a revised access plan. In the event that an additional plan is submitted this will need to be given due consideration by the Council and its consultees, which will in due course inform its stance at the forthcoming inquiry.
- 2.25. To that end, very recently the Appellant has sent a revised access plan and has asked for the Council's views upon it. The Appellant has not however submitted this plan as an application drawing for determination, but rather it is intended merely to demonstrate that adequate visibility splays can be demonstrated. In the event the plan gives rise to other concerns, such as the impact upon a public right of way. Advice from Leading Counsel has been sought, and Counsel advises that in a case where access is for determination then the decision maker must have an application plan upon which to make a decision. Not to do so would be wrong in law. The original access plan has been withdrawn and therefore there is not now any access plan which is for the planning inspector. Fundamentally this is a problem for Appellant, however if an access plan is submitted for determination and is accepted by the Inspector as an access plan then the view of the Council as local highway authority will be sought. Accordingly authority is sought to undertake such consultation and for the Head of Service to amend the Council's case in the light of the views of highway officers and other internal consultees.
- 2.26. Should an access plan not be placed before the Appeal Inspector then submissions will be made that the appeal cannot lawfully be allowed. It is noted that the earlier suggestion that this is a matter which can be dealt with by way of a Grampian condition is considered to be wrong in law.
- 2.27. It is therefore considered that the advice outlined should be used to inform the case to be presented by Officers at inquiry.

Residential Amenity

- 2.28. In relation to residential amenity, planning permission was refused on the following grounds :

Reason for refusal 3

In the opinion of the local planning authority, the development would give rise to an unacceptable intensification of activity, including additional traffic and processes involved in the recycling and restoration works, being likely to have an adverse impact on the residential amenities of occupiers of properties in the vicinity of the site, by way of noise, dust, and disturbance, in conflict with Policies GEN 6 i, v and vii, TRA 6, and MEW 11 iv of the Denbighshire Unitary Development Plan.

2.29. Following the adoption of the LDP, the context for consideration of residential amenity in relation to development in open countryside is Planning Policy Wales 3.1.4, which refers to the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

2.30. In terms of the approach to be taken at the Public Inquiry it is recommended that the focus of the Council's case should be on the impact of the new access on residential amenity. There are a number of residential properties along Graianrhyd Road, including one residential property, Tyn Rhos, which are likely to be adversely affected by the appeal scheme.

3. Conclusion

3.1. Officers have received advice from a highways consultant and leading Counsel on the grounds of refusal. It is not now considered there are justifiable grounds to pursue the highway reason for refusal No.1 save in so far as it pertains to reason for refusal 2, and if the applicant submits a suitable revised access plan, that might provide sufficient information not to pursue reason for refusal No. 2 at the appeal. Delegated authority to consider any such information is sought. This will of course be a matter for the Inspector to address and it is regretted that it has not been provided hitherto, which does not comprise reasonable conduct on the part of the Appellant.

3.2. Changes in local policy and national policy seriously call into question the suitability of the proposal site for the recycling element and the need for the disposal element of the proposal. It is therefore considered appropriate to now draw the appeal Inspector's attention to conflict with policy VOE 8 of the adopted Local Development Plan and emerging national planning guidance draft revised Technical Advice Note (TAN) 21: Waste, as part of the Council's case at inquiry. The introduction of new issues late in any appeal process may leave the authority open to a claim for costs, but in this instance due to the adoption of the Local Development Plan and changes to national policy and guidance since the determination of the application, the risk of an award of costs is considered limited, and the Inspector will be invited to dismiss the appeal on the basis that need has not been demonstrated.

4. Recommendation

4.1. That in light of the changes to national and local policy, the principle of a recycling facility in this location and the need for the disposal element of the proposal forms part of the Council's case in the Council's submissions to the forthcoming inquiry.

4.2. That the First reason for refusal, save insofar as it pertains to the second reason for refusal, is not pursued by the Council.

4.3. That delegated authority is given to the Head of Planning and Public Protection, and the Development Control Manager to determine whether or not the second reason for refusal is pursued by the Council, should the appellants submit any revision to the access plans. In the absence of any acceptable access details being provided the Second reason for refusal should be maintained.

- 4.4. That the third reason for refusal is pursued in particular in relation to the impact that the new access will have on the residential amenity of occupiers of properties in the vicinity of the site.
- 4.5. That the absence of need be raised as a freestanding concern upon which the appeal could properly be dismissed.
- 4.6. The views of the independent highway consultant appointed by the Council to review the case are drawn to the attention of the inquiry.

GRAHAM H. BOASE
HEAD OF PLANNING AND PUBLIC PROTECTION

APPENDIX 1

Reasons for refusal of application 15/2011/0692

“1. In the opinion of the Local Planning Authority, the development is unacceptable on highway grounds in that the proposals would result in the generation of additional heavy goods vehicle traffic movements on an inadequate rural road network, being likely to lead to dangers for existing and proposed road users and affecting the safe and free flow of traffic, in conflict with Policies GEN 6 vii, TRA 6, and MEW 11 viii of the Denbighshire Unitary Development Plan.

2. The submitted plans do not demonstrate that a safe and satisfactory new vehicular access with adequate visibility splays can be constructed onto the highway in order to serve the development, and in the absence of such plans, the Local Planning Authority do not consider the proposals are acceptable on highway safety grounds, the existing access and approach road / junction serving the old quarry being inadequate to accommodate additional heavy goods vehicle traffic, all being likely to lead to additional dangers for existing and proposed road users, affecting the safe and free flow of traffic on the highway in the vicinity of the site, in conflict with Policies GEN 6 vi and vii, TRA 6, and MEW 11 viii of the Denbighshire Unitary Development Plan, and the guidance in Technical Advice Note 18: Transport.

3. In the opinion of the Local Planning Authority, the development would give rise to an unacceptable intensification of activity, including additional traffic and processes involved in the recycling and restoration works, being likely to have an adverse impact on the residential amenities of occupiers of properties in the vicinity of the site, by way of noise, dust, and disturbance, in conflict with Policies GEN 6 i, v and vii, TRA 6, and MEW 11 iv of the Denbighshire Unitary Development Plan.”

APPENDIX 2

Officer report to Planning Committee on application 15/2011/0692, February 2013

MES

ITEM NO:

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2011/0692/ PF

PROPOSAL: Importation of inert waste materials for recycling and use in restoration of quarry workings

LOCATION: Maes Y Droell Quarry Graianrhyd Road Llanarmon-Yn-Ial Mold

APPLICANT: Mr Graham Edwards G & K Edwards Ltd.

CONSTRAINTS: Quarry Site
Wildlife Site
PROW
Nitrate Vulnerable Zone
Groundwater Vulnerability 1
Historic Contaminative Use L
Historic Contaminative Use E
Historic Contaminative Use C
Historic Contaminative Use C

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

CONSULTATION RESPONSES:

LLANARMON YN IALCOMMUNITY COUNCIL:

« Environnemental Protection : ENP 1 Pollution/2 Pollution Sensitive Development

1. Councillors are concerned that there will be an increase in the already troublesome dust emissions. As the proposed entrance is directly opposite residential properties and the local pub The Rose & Crown, dust and noise will be funnelled out directly towards them. There should be a buffer zone between residential and an industrial work site currently absent from the proposal.
2. Within the Council there are particular concerns about the increased noise pollution and vibration levels. Very limited information has been provided in the report regarding the levels to be generated by the heavy machinery on site e.g. the Dozer, the loading shovel, the screening plant, the crushing machines, the conveyor belts, the movement of lorries. There are residents living in close proximity to the site, therefore the noise pollution will have a major impact on the quality of life of these residents, particularly those with young families.
3. There are fears that the recycling plant could adversely affect the water table/drainage and stability of nearby land. This is of particular concern as much of the surrounding land is agricultural and therefore very susceptible to such changes. Concern has been expressed regarding the build up of sediments in ditches, lagoons and lying water and its potential affect on biodiversity and the watercourse. Any further harm on land drainage and water resources would be considered to be totally unacceptable.

4. It is stated on the application that 'trade effluent will be generated' – non-recyclable waste that is not suitable for infill would be brought on to the site. This will then need to be transported away, only adding to the local traffic.

Overall, the council feels that there has been insufficient consideration of the mental and physical well-being of local residents as a result of this proposal.

The Natural Environment : Development affecting the AONB/A.O.B

The proposed recycling would be situated within an A.O.B and with this in mind have the following concerns.

1. The Council is very concerned about the aesthetic impact of this site especially when viewed from the surrounding footpaths and roads used by the community, tourists and walkers alike. This visual impact would be compounded by the increase in the dust and activity. It has already been noted that the stockpiles and waste tips have become considerably more noticeable in recent years and it is feared that this will worsen if the proposed recycling programme is permitted.
2. Councillors are of the opinion that the proposed entrance would unacceptably harm the character and appearance of the community, especially as it would break through the bunds. The new entrance would split the village in two, an action often associated with the decline of a community.

Highways, Transportation & Communications

TRA 6 Impact of New Development on Traffic Flows

1. Councillors are aware of the difficulty that articulated vehicles and other large vehicles will have in accessing the plant. There are several small, weak bridges on the Llanarmon Road B5430 that are not wide enough for two 30-ton lorries to pass. It has previously been reported that when two articulated vehicles passed each other on the narrow roads in the wrong place they collided and damaged each other's wing mirrors. Traffic approaching from Eryrys will encounter steep and narrow lanes. Councillors do have reservations that the recycling facility is in a location served by poor transport links, within a rural residential community.
2. Along with the vastly increased lorry movements of possibly one hundred vehicles a day increasing the wear and tear on the already poorly maintained roads.
3. There is no reference to the lorries being cleaned before leaving the site and plans for spillage on the roads.
4. The Welsh Office own guidelines is for recycling to be carried out closer to industrial sites. It makes no sense to transport large amounts of demolition waste over vast distances to be recycled in a rural community and then to transport it back over vast distances to be reused.

Community Council Observations

Councillors feel there is no benefit for a recycling facility in this location, and no case has been made for the need for one. The Environment Agency has stated that there is already ample capacity available in Wales including the Moel Y Faen Quarry on the Llandegla Moors, which is fewer than 9 miles away.

The recycling business will extend the use of the site and unreasonably delay its restoration. So little will be kept for infill that it could be many years before there is any progress in restoration to the quarry. The timescale required for refilling the hole would result in unreasonable disruption for decades to the community and those that would be affected by the increased traffic.

This application does not comply with the UDP MEW 4 and MEW 11.

Councillors are very concerned that the previous quarry owners, did very little to screen their operations and allowed waste/stockpiles to build up and have been allowed to just walk away from their responsibilities. The fear is that this could happen once again. If

this application were granted, Councillors would suggest that it is given only on condition that a bond is paid (as the minimum) which will prevent the present owners walking away from their responsibilities of reinstatement of the site in future years. It would be essential that better, more regular monitoring of the quarry were carried out to ensure that the conditions were vigorously adhered to.

Councillors previously received complaints from local residents regarding the levels of noise and dust. The recycling scheme would result in unacceptable increases in noise and dust levels. Furthermore, the geology and nature of the site makes it inappropriate for recycling.

Whatever the outcome of this application Councillors feel that it would be beneficial to set up a Quarry Liaison Committee, without further delay given the problems that already exist on site. “

LLANFYNYDD COMMUNITY COUNCIL

” Object due to the impact of the proposed development on highways and the impact on the AONB. In particular, the A5104 and the residents in the villages of Pontybodkin, Coed-Talon and Treuddyn and the existing access. Dust is also a concern. “

ENVIRONMENT AGENCY:

Note that the proposals will require an Environmental Permit. Note that the operator is required to have appropriate infrastructure in place at the site to prevent pollution to the environment, or harm or nuisance to human health or the quality of the environment, detriment to the surrounding amenity, or damage to material property. The applicant should demonstrate how these matters will be prevented within the Environmental Permit application. Comments made in relation to uncontaminated water run-off -The applicant will need to ensure that the Terrig Stream and the culvert under the B5430 has sufficient capacity to cope with any increased rate of run-off, should this occur as existing pools within the site provide a measure of attenuation. Requested clarification over the use of a sump. Note that no baseline groundwater quality data has been provided and that this will be required for the permit. Minimum of 12 months is advised.

COUNTRYSIDE COUNCIL FOR WALES:

Originally objected to the application due to its potential impact on the favourable conservation status of the great crested newt species. Following the submission of further information the objection was withdrawn and the conclusion drawn that the development is not likely to have an adverse effect on the natural heritage interests (Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and great crested newt (*Triturus cristatus*), provided any consents are subject to planning conditions/obligations in respect of conserving statutory protected landscapes and the European protected great crested newt in the long term. CCW does not object to the proposal.

WELSH WATER/DWR CYMRU

No objection. A water supply can be made available to serve this proposed development. The proposed development is crossed by a trunk/distribution watermain. A number of conditions are recommended to protect the integrity of the watermain and maintain access at all times.

CLWYDIAN RANGE AONB JOINT ADVISORY COMMITTEE

“Although Maes Y Droell Quarry is just outside the AONB and proposed AONB extension area, the scale and nature of the site and its development has impacts well beyond the immediate area which affect the AONB and its proposed extension. The quarry, most notably the existing waste tips and west facing slopes, present a prominent and longstanding scar on the landscape which has a detrimental impact on the setting of the Clwydian Range AONB and extension area and impacts on views from these areas.

It has been the JAC's wish for some time to see early, progressive restoration of the site by the quarry operators, and the committee is very disappointed that little progress has been made in this regard. The JAC considers that a more urgent and committed response to restoring the quarry must be a critical factor in determining any development proposals for the site.

In this context, the JAC accepts the principle of importing and recycling inert material as part of a planned and progressive restoration of the site if this secures a commitment to firm and early action on this front. The JAC notes that the 'full landform' restoration would create the most natural landscape and habitat and have the most beneficial visual impact on the AONB and extension area. However, it is noted that there are other factors to consider, particularly the scale and duration of operations and associated traffic movements related to the importation of such a substantial amount of waste material and, if the planning authority can secure an accelerated programme of restoration, the JAC would support a less than ideal restoration of the site along the lines of the 'minimum landform' option. The JAC has some sympathy with the concerns expressed by the local community in respect of additional traffic and access arrangements and notes that these impacts may also be reduced if the 'minimum landform' option were to be selected.

The JAC would urge the planning authority to secure as early an end date for operations and completion of restoration as possible, and emphasises the need for a robust and deliverable plan for progressive restoration of the site starting immediately. If possible, this should include an appropriate bond payment by the operators to ensure future restoration of the site. The JAC considers the proposed 18 year timescale for all restoration options to be excessive and would recommend a maximum period of 10 years, and preferably less. In addition, the JAC would wish to secure accelerated removal and restoration of the most prominent and unsightly waste tips at an earlier stage of the restoration scheme than is currently proposed.

The JAC welcomes the existing diverted public footpath being restored to its original alignment and the proposal to retain the diverted path as part of the restoration plans. However, the committee would suggest that additional proposals to enhance public access to the site should form part of the restoration plans. This could be through the creation of additional permissive footpaths/bridlepaths through the site to link with the existing network of public rights of way surrounding the site.

The proposed aftercare programme is welcome, but the JAC considers this should be for a minimum of 10 years and not the limited period of 5 years which is currently proposed.

Finally, the JAC notes that this application is separate from existing operations to extract minerals at the site and the committee would suggest that as quarrying operations, any proposed waste recycling and the final restoration are inextricably linked a more holistic approach is called for. The JAC would favour a consolidated application which would allow all these elements to be properly considered for the entire site and appropriate controls put in place, including relinquishment of any rights to extend quarrying operations into the AONB."

Following reconsultation on the application in October 2012, the JAC made the following comments:

"The JAC reaffirms the comments made on this application in September 2011, but additionally welcomes confirmation that removal of material from the prominent and unsightly upper tips has commenced and could be brought forward in the restoration scheme, that the principle of a restoration bond has been accepted, and the proposal to retain part of the western quarry face for future geological study. The JAC has no observations to make on the revised access arrangements subject to landscaping to mitigate visual impact."

On the 20th of December the JAC made the following comments:
“The JAC wish to re-emphasise their concerns in respect of the long term impacts of a potentially 30 year timescale for completion of this work, and would urge the planning authority to seek to limit this to a more acceptable period should permission be granted. Increased traffic and other harmful environmental impacts will be experienced by both the local community and recreational users of the area, and the JAC considers it important to strictly control and mitigate these impacts as well as limiting their duration. Appropriate measures to safeguard users of the footpath crossing the revised new access road will also be required. In addition, the JAC would seek assurances that additional traffic associated with importation and extraction of materials will not be routed through the AONB.”

HEALTH AND SAFETY EXECUTIVE

No objection

BETSI CADWALADR UNIVERSITY HEALTH BOARD

The Health Board consulted with its specialist advisers in Public Health Wales and Health Protection Agency to help formulate the consultation response. Based upon the information provided by the applicant and the nature of the process, there is the potential for risk to public health from the activities undertaken at the application site. From assessment of the information provided, risk to health appears to be limited to nuisance caused by dust and noise.

Whilst the application identifies that the operations generally appear to have addressed the risks and be in line with the principles of Best Available Techniques (BAT) we outline the following points for consideration;

- The local authority should be satisfied that dust prevention measures are sufficient to prevent nuisance at the most sensitive receptor, and that the planning conditions reflect this requirement. This should include assessment of possible impact from traffic to and from the site through local roads
- A suitable noise management and monitoring plan should be submitted by the Applicant to ensure the prevention of nuisance and health risks to sensitive receptors.
- Inert construction waste would not typically be associated with nuisance odour. (The local authority should consider use of planning conditions to define acceptable wastes in accordance with the Environment Agency’s waste catalogue to prevent the deposit of potentially odorous material). It is anticipated that the Application will be subjected to waste permitting or exemption issued by the Environment Agency and as such will require the operator to submit appropriate processes to ensure imported materials are suitably inert. This would ensure it would not generate odours or leachate
- Again it would be appropriate for the Local Authority to ensure traffic is suitably assessed to minimise risks from noise and emissions to local residents
- The EIA contains little or no information on the Environmental Management System (EMS) to be employed, the local authority should be satisfied that a suitably robust EMS is in place to control and manage risk from site operations.

The Health Board are aware that local residents have raised concerns about this proposal, particularly in relation to noise and dust. We would appreciate the regulator makes due consideration of this.

GEODIVERSITY OFFICER

Request part of a cliff face is retained due to geological interest of the site.

SP ENERGY NETWORKS

Note that they have infrastructure in the vicinity of the site which should be considered and appropriate action taken during works.

CLWYD-POWYS ARCHEOLOGICAL TRUST

There are no archaeological implications for the proposed restoration of the quarry workings.

LLANARMON AND DISTRICT CONSERVATION SOCIETY

Raise a number of concerns, including the description (are they recycling or filling in a hole?). Biodiversity – what protected species are there and how are they going to protect them? Trade effluent – If they are only dealing with inert waste, why have they stated yes to the need to dispose of trade effluents or waste? Raise concern regarding asbestos, plastics and metals from demolition. How and where will they deal with these? Concerns regarding highways movements and the duration of the proposal. Suggest concentrating recycling plants in Flintshire. Consider there is sufficient spoil within the quarry to do most of the restoration work.

CLWYD BADGER GROUP

Agree with the findings of the desk top survey. Feel that the applicant has met all the criteria to ensure that the local badger population will not be affected. Request the badgers' foraging should be taken into account during restoration.

CLWYD BAT GROUP

CCW have raised the possibility of mine shafts at this quarry which if present would need to be surveyed and suitably protected for bats. The group is not aware of any specific shafts at the site and it may be that any present have been quarried out some time ago.

RAMBLERS ASSOCIATION

Do not object to the proposal in principle. Welcome the reinstatement of the original footpath and would like to see this done at the earliest opportunity. Request a number of conditions to ensure the safety of users of the footpath.

AIRBUS

Have no aerodrome safeguarding objection to the proposal as the proposal does not conflict with safeguarding criteria.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES HEAD OF TRANSPORT AND INFRASTRUCTURE

Public Rights of Way Officer: detailed comments to ensure the proposal doesn't have a detrimental impact on the PROW. The Highways Officer objects to the proposal due to insufficient visibility splays.

Pollution Control Officer

Note that noise levels will be too high at a number of properties, caused by the use of particular plant during particular phases. Recommend restricted operating hours, particularly in relation to the Komatsu D6 dozer. Recommend a number of measures to control dust within the site, including the damping down of stock piles and the sheeting of lorries.

COUNTY ECOLOGIST

No objection subject to the inclusion of conditions to ensure that the mitigation measures proposed by the applicant are followed.

COUNTY ARCHAEOLOGIST

There are no known sites noted within the area of the quarry. No objections to the application. No comments to make regarding the amended plans.

DRAINAGE OFFICER

No comments received

RESPONSE TO PUBLICITY:

Letters of objection have been received from :
C. Allman, 4, Baird Close, Yaxley, Peterborough (O)

B. Arden, Graianrhyd Farm, Graianrhyd
 J. & E. Arden, The Old Stables, Graianrhyd Farm, Graianrhyd (e-mail)
 J. Bailey, The Conifers, Llanarmon Road, Llanferres (O)
 Mr. P. & Dr. J. W. Bailey, Gors Olchi, Pant Du Road, Eryrys
 E. Barnard, 20, Vine Crescent, Great Sankey, Warrington (O)
 Mr. P. Basnett,
 Mrs. J. Basnett, Highgate, Graianrhyd Road, Llanarmon-yn-lal (e-mail)
 Mrs. A. Bellingham, 21, Ffordd Elfed, Wrexham (O)
 Mr. M. Boyett, Ty'n-yr-Union, Pant Du Road, Eryrys (e-mail)
 J. Bradburn, Pen y Ffridd, Abbeylands, Graianrhyd (O)
 Mr Mark Bradburn, Pen y Ffridd, Llanarmon yn lal (O)
 S. Bradley, Horseshoe Cottage, Mill Lane, Llanarmon-yn-lal (e-mail)
 Mr. T. Brand (e-mail)
 B. Browning, 91, Mareham Lane, Sleaford (O)
 K. Browning, Y Fron, Graianrhyd Road, Graianrhyd, Llanarmon Y.I. (O)
 M.J. & B.K. Browning, 91, Mareham Lane, Sleaford, Lincs. (O)
 Mr. M. Browning, 91, Mareham Lane, Sleaford, Lancs (O)
 E. Butler, Ty Newydd, Abbeyland, Llanarmon-yn-lal
 Ms. J. Butterworth, Ty Coch, Mynydd Du, Nercwys Mountain (e-mail)
 Mr. & Mrs. C. Canning, Glan-yr-Alyn, Llanarmon-yn-lal (O)
 I. Chalmers (e-mail) (O)
 B. Collins, Tyn y Ffordd, Graianrhyd Road, Llanarmon-yn-lal (e-mail)
 L. Cook, Coedfa, Llanarmon Road, Llanferres x2
 Mr. P. Cooker & Ms. V. Jones, Pen y Foel, Graianrhyd (e-mail)
 Ms. J. Cooper, 7, Maes Gwyn, Graianrhyd
 P. Cooper & V. Jones, Pen y Foel, Graianrhyd (O)
 M. Corcoran, Glyn Hedd, Llanarmon Road, Bwlchgwyn (O)
 P. Corcoran & J. L. Jones, Glyn Hedd, Llanarmon Road, LL11 5YP (O)
 Ms. S. Cottrell, Weltevreden, Eryrys (e-mail)
 J. T. Croft, 10, Maes Gwyn, Graianrhyd
 S. Davies (e-mail) (O)
 A. Devenport (e-mail)
 T. Devenport, 13, Llys y Faenol, Hawarden
 Mr. R. Dillon, Gwyndy, Pant Du, Eryrys (e-mail)
 L. Dorman, 14, Grant Drive, Ewloe (O)
 E. Dovey, 16, Maes Gwyn, Graianrhyd (e-mail)
 L. Doyle, 88, Leeds Road, Methley, Leeds (O)
 A. V. Drew, Llys Onnen, Mynydd Du, Graianrhyd (O)
 M. Drew, Llys Onnen, Mynydd Du, Nercwys Mountain (O)
 Mrs. V. Drew, 14, Bridgemere Close, Leicester (O)
 S. & M. Drew, Llys Onnen, Mynydd Du, Graianrhyd (e-mail)
 S. Drury, 2, Abertairnant, Rhydtalog Road, Graianrhyd (O)
 Mr. T. Dundas (e-mail)
 C. & G. Dyson, Tollgate Cottage, Llanarmon Road, Llanferres (e-mail)
 Mr. J. Edwards (e-mail) B. Tait (e-mail)
 Mrs. M.A.C. Edwards, Mount Pleasant, Rhydtalog Road, Graianrhyd (O)
 B. R. Ellis, Berwyn, Graianrhyd Road, Graianrhyd
 Ms. P. Ellson (e-mail)
 R. Elms (O)
 Ms. M. Enston, Rhydtalog Livery Centre, Rhydtalog Livery Centre
 J. & G. Evans, Parc Farm Caravan Park, Llanarmon-yn-lal (e-mail)
 I.G. Evans, Bryn-Llys, Ffordd Rhyd-y-Ceirw, Graianrhyd
 D. Evans-Dudley, Cors Afanen (Bog Isa), Eryrys Road, Mynydd Du (e-mail)
 J.W. Eyres, 7, Washington Drive, Ewloe (O)
 K. Faulkner, 5, Maes Gwyn, Graianrhyd (e-mail)
 V. Faulkner, Maes-y-Pwll, Llanarmon-yn-lal
 G. H. Flanagan, Tan-y-Bryn Farm, Graianrhyd (O)
 Ms. S. Flower, Rhewl Farm, Llanfynydd
 S. Freytag, 20, Borough Mews, Sheffield
 L. Fuller (e-mail)

Dave Furmstone (e-mail)
 Mr & Mrs M Fyfe, Glen Abbey House, Corwen Road, Pontybodkin (e-mail)
 J. Gough, 1, Holly House, Corwen Road, Pontybodkin (e-mail)
 Mr. & Mrs. M. Griffiths, Awel-y-Mynydd, Eryrys Road, Mynydd Du (e-mail)
 Mr. P.M. & Mrs. D. Griffiths, Awel-y-Mynydd, Eryrys Road (e-mail)
 T.E.L. Griffiths, Clwydille, Llanferres (O)
 Llyr Gruffydd AC/AM (C)
 L. Guest, 24, Calle Aligustre, Los Holandeses, Torreblanca, Fuengirola
 Mr. J. Gunning, 14, Maes Gwyn, Graianrhyd (O)
 J. Hanahoe, Bugeilfa, Ffordd Rhyd y Ceirw, Graianrhyd (e-mail)
 S. Hanahoe, Bugeilfa, Graianrhyd (O)
 J. Hanson, 2, Bryn Dedwydd, Pant Du Road, Eryrys
 Mr. & Mrs. P.M. Hanson, 2, Bryn Dedwydd, Pant Du Road, Eryrys (O)
 E. G. Harrison, Midhill, Bryn Awelon, Mold (O)
 E. Harrison, 25, Bryn Awelon, Mold (O)
 J. Henderson (e-mail) (O)
 Mr. M. Henry, 1, Bryn Dedwydd, Pant Du Road, Eryrys (e-mail)
 J. Hill, Pine Tree Cottage, Rhydtalog Road (O)
 James Hill, Pine Tree Cottage, Rhydtalog Road, Graianrhyd (O)
 L. Hill, Secretary, Coed Talon Resident's Association (e-mail)
 Mr. & Mrs. Hill, Pine Tree Cottage, Graianrhyd (e-mail)
 P. Hill (e-mail) (O)
 M. & K. Hughes, Plas Gwyn, Llanarmon-yn-Ial (O)
 M. Hughes, 39, Bryn Mor Drive, Flint (O)
 Mr. & Mrs. T. Hughes, 9, Maes Gwyn, Graianrhyd
 C. Jeacock, Deva Travel, 55, Bridge Street Row, Chester (O)
 Mr. S. Jeacock, Dafarn Uchaf, Graianrhyd (O)
 R. Jeacock, Dafarn Ucha (e-mail)
 K. Jeacock, Dafarn Ucha, Graianrhyd Road (O)
 Mr & Mrs R Jenkins, Min y Nant, Corwen Rd, Treuddyn
 N. & S. Johnson, 15, Maes Gwyn (e-mail)
 C. Jones, Llys Castan, Graianrhyd Road, Llanarmon-yn-Ial (O)
 C.J.V. Jones, Bryn Defaid, Eryrys Road, Eryrys (O)
 Carol & Edward Jones, Foxcote, Ffordd Top y Rhos, Treuddyn (e-mail)
 D. & S. Jones, Homefix Solutions Ltd., London House (e-mail)
 David Jones MP, 3, Llewelyn Road, Colwyn Bay
 J. Jones & T. Middleton, Tyn-y-Pistyll, Eryrys Road (e-mail)
 M. Jones, 46, The Dale, Abergele (O)
 Mr. D. Jones, 161, River-Ranch Road, Tivoli, TX77990 USA
 Mrs. F. J. Jones, Y Fron, Graianrhyd, Llanarmon-yn-Ial
 Mrs. S. Ceris Jones, Llys Castan, Graianrhyd Road, Llanarmon-yn-Ial
 Ms. V. Jones, Sun Inn (e-mail)
 V. Jones, Pen y Foel Farm, Graianrhyd (O)
 Joy Kett, Graham Gunning, Tyn y Coed Llanarmon yn Ial (O)
 Dr. D. King, 20, Maes Ial, Llanarmon-yn-Ial (e-mail)
 Mr.R.A. & Mrs. J.P. Kirby, Ty Nant, Graianrhyd Rd., Llanarmon (e-mail)
 Ms. J. Latham, Burnside, Ffordd Corwen, Treuddyn (O)
 J. Latham & G. Hall (e-mail)
 Kevin & Elaine Littlewood, Cherry Cottage, Graianrhyd Road (e-mail)
 J. A. Longworth, 16, Uwch y Dre, Gwernymynydd (O)
 K. & J. Longworth (e-mail)
 Elisabeth Loughlin, Pen Y Nant, Graianrhyd S. Clarke, 1 Dyffryn Alyn, Llanarmon Road,
 Llanferres
 R. Loughlin, Pen y Nant, Graianrhyd, Mold
 G. Lynksey (e-mail)
 R.D. MacGregor, Rose & Crown, Graianrhyd, Llanarmon-yn-Ial
 Dr. A. Mackridge, Y Fron, Graianrhyd Road, Graianrhyd (O)
 I. & D. Mackridge (e-mail) (O)
 Ms. J. Malpas, 30, Peel Hall Lane, Ashton, Chester (e-mail)
 Mrs. P. McArthur, Tan y Llyn, Abbeyland, Llanarmon-yn-Ial

D. Millar AM/AC
 C. Nelson, 1, Eliot Close, Long Eaton, Nottingham (O)
 A. & M. Nickson, Tabernacle Chapel, Graianrhyd Road, Graianrhyd e-mail
 Mr. & Mrs. J. R. Owen, Ty-Isa, Graianrhyd Road, Llanarmon-yn-Ial (O)
 Mr. R. Owen, Garreg Fawr, Eryrys (e-mail)
 The Owner/Occupier, 29, Llys Elanor, Shotton
 Mrs. O. A. Peters, The Old Gate House, Graianrhyd, Llanarmon
 Ms. B. Peters, The Bungalow, Graianrhyd (e-mail)
 S. Pygott, 9, Grays Road, Mynydd Isa
 Dr. & Mrs. D. Pyke, Tyddyn Cottage, Ffordd y Blaenau, Treuddyn e-mail
 I. Raper, Pen y Foel, Mynydd Du, Graianrhyd
 Mr Ian Raper & Ms Valerie Dale, Pen y Foel Farmhouse, Mynydd Du (O)
 Mr. G. Richards, The Eagles Rest, Eryrys (e-mail)
 Rob & Cheryl, Garreg Fawr, Eryrys, Mold (e-mail)
 A. Roberts, Bachgen Du, Pant Du Road, Eryrys (O)
 Aled Roberts AM, 18 High Street, Johnstown, Wrexham (C)
 D. Roberts, Clover Grange, School Lane, Llanarmon-yn-Ial (O)
 Mr. I. Roberts (e-mail)
 Mrs. Roberts, Berwyn, Graianrhyd Road, Graianrhyd (O)
 Ms. J. Roberts, Caeau Mostyn Mawr, Graianrhyd Road Llanarmon YI (e-mail)
 S. Roberts (e-mail) (O)
 Ian Robinson, Raymond Robinson and Ada Davies (email)
 Dr. D. & Mrs. L. Robertson, The Warren, Graianrhyd Road (e-mail)
 I. Robinson, A. Davies & R. Robinson (e-mail)
 G. Ryan, 8, Llay Place Avenue, Llay, Wrexham (O)
 A. Sandbach AM, The National Assembly for Wales (O)
 K. Sheel, Print Buyer, Castell Bank, Old School Lane (e-mail)
 M. Siddel, Ashlea, Rhydtalog Road (O)
 Geoffrey Siddell, Ashlea, Rhydtalog Road, Graianrhyd
 Mr. N. Sincock (e-mail)
 R. G. Spratley, Berthen Gron, Eryrys, Mold
 V. Stefler, 78, Smarts Lane, lg10 4bs (O)
 L. Stevenson, 31, St. Peter's Park, Northop (O)
 P.W. Stewart, 87, Mareham Lane, Sledford, Lincs. (O)
 Ms B Tait (email)
 S. Teasdale Jones (e-mail) (O)
 C. J. Thomas, (Clerk) Llanfynydd C.C., Droed-y-Mynydd (e-mail)
 Councillor Carolyn Thomas (e-mail)
 E. Thomas, 12, Clayton Drive, Prestatyn (O)
 Mr. E. Thomas, 12, Clayton Drive, Prestatyn
 Mr. P. Thomas, Heswall, Wirral (e-mail)
 Mr. P. Thomas, Longhope Cottage, Graianrhyd
 Ms. E. Thomas (e-mail)
 Ms. R. Thomas (e-mail)
 P. & B. Thomas, Longhope Cottage, Graianrhyd Road, Graianrhyd (e-mail)
 P. Thomas, 24, Tan y Mor, Abergele (O)
 R. Titmuss, 11, Chapter Chambers, Chapter St., London (O)
 Dr. & Mrs. R. B. Trueman, Tyn-y-Chwarel, Ffordd Rhyd-y-Ceirw, Graianrhyd
 D. & R. Walker, 1, Roberts Close, Everton, Lymington (O)D.
 Walker, 1, Roberts Close, Everton, Lymington (O)
 John Ward (e-mail)
 C. Watts, 62, Weltje Road, Hammersmith (O)
 Mr. G.H.D. Williams, Hawthorne Villa, Corwen Road, Treuddyn (e-mail)
 V. Williams (e-mail) (O)
 J. Wilson, 3, Tudor Court, Hope (O)
 Mr. R. Wilson, Rowan House, Graianrhyd (e-mail)
 Ms. K. Wilson, 307 Old Chester Rd., Rock Ferry, Birkenhead x2
 Wong (e-mail)
 Mr. K. Wood, Rhewl Lwyd, Abbeylands (e-mail)
 A. J. Worthington, Bryn Mor, Cefn Bychan Road, Pantymwyn (O)

Highgate Farm, Graianrhyd (e-mail)
Mr. A. Peter (e-mail)Ms.
The Owner/Occupier, Bryn Talog, Rhydtalog Road, Graianrhyd
The Owner/Occupier, Carreg y Sais, Eryrys

Summary of planning based representations in objection:

Principle of development – the principle of a recycling site in this location is unacceptable/ Graianrhyd is a small village within the AOB and is directly adjacent to the AONB./ This type of facility should be located in an industrial location.

Duration of proposals – the timescales for the proposal are far too long./ A number of respondents would like to see the quarry restored over a much shorter timescale.

Visual and landscape impact – Impact on AONB/ lighting

Residential amenity – noise impact on residents and users of the area / vibration / smells and odours/ vermin/ lighting / disturbance from traffic / dust / unknown dangers from material to be imported to the site/ loss of privacy/ need for 100m buffer to residential property

Highways impact – new access not acceptable and unsafe/ additional HGV traffic on inadequate highway network / effect on Rights of way, including users on foot and horseback/ lack of footpaths

Ecological impact – disturbance to wildlife and loss of habitat

Pollution / Hydrology / drainage – concerns over adequacy of drainage proposals/ potential for contamination and pollution

Health impacts – unknown factors / need for Health Impact Assessment

Ground stability – unknown impact on stability

Limited benefits – few new jobs, impact on tourism and local businesses in the area

Questionable need and no investigation of alternative sites – availability of other brownfield sites

Other representations:

Impact on house prices in the area;
Concern that current working practices do not adhere to best practice;
Concern about the stability of the faces within the quarry;
Lack of information regarding the proposal
Requests for the establishment of a Quarry Liaison Group.

Letters of support have been received from:
Lora Smith, Ty Bychan, Pant Du, Eryrys, Mold
G.Smith, Castell, Eryrys, Ger Yr Wyddgrug
L.Jones, Bryn Tirion, Village Road, Eryrys, Mold
R.Smith, New Farm House, Castell, Old School Lane, Eryrys, Mold
Mr and Mrs Price, 3 Caer Odyn, Eryrys, Mold
Ms R. Price, 17 Caer Odyn, Eryrys, Mold
Ms D. Brown, 15 Canol-y-Dre, Ruthin
R. Brown, 64, Gerrard St., Birmingham

R. Brown, 15, Canol-y-Dre, Ruthin

Summary of planning based representations: Support

Employment opportunities provided by the proposal
The regulatory mechanisms in place will ensure that the facility does not pose any harm.

EXPIRY DATE OF APPLICATION:

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consideration of the application was deferred at the January meeting of the Committee to allow the site to be visited by a Site Inspection Panel. Poor weather immediately preceding the Committee date had prevented the site panel being held in advance of that meeting. The notes of the Site Panel are contained in the late representation sheets.
- 1.1.2 The proposal relates to the Maes y Droell Quarry, near Graianrhyd . It involves the importation of inert waste materials for recycling and use in the restoration of quarry workings.
- 1.1.3 The intention is to segregate imported material to form separate piles, screen and crush and screen again to meet size specifications. Non-recyclable imported inert waste will be deposited in the quarry and used as part of the overall restoration of the quarry. Any non-inert wastes will be recovered from imported loads and stored in skips prior to removal by appropriate operators for recycling or disposal.
- 1.1.4 The application is for the importation and recycling of inert waste and the use of imported inert waste in the restoration of the quarry. The quarry operations already have planning permission and are therefore not under consideration, however, it is necessary to consider any cumulative impacts arising from both the existing quarry operations and the proposal.
- 1.1.5 Maes Y Droell is an operational quarry, with planning permission for the extraction and processing of silica sandstone until 2042. The importation of material is intended to increase the rate of restoration of the existing quarry allowing the recreation of a landform similar to the landform before quarrying commenced on site and to facilitate the removal of the waste tips. It is proposed to import an average of 95,000 tonnes per annum, of which it is anticipated 20,000 tonnes will be recovered and sold and 75,000 tonnes will be used for infilling the quarry. A peak annual import of 200,000 tonnes is estimated, with 40,000 tonnes recovered for sale and 160,000 tonnes to be used for infilling the quarry.
- 1.1.6 Only inert waste would be accepted on the site. 'Inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater. Once the inert waste has been accepted at the site it will be sorted using an excavator and

screened to separate soils and fine materials from hard materials. Hard materials will then be crushed and screened again to meet a size specification. Recovered material would then be exported off-site, non-recyclable waste deposited within the quarry void.

- 1.1.7 Proposals for a revised restoration of the quarry have been submitted, which includes a number of phases, some of which are to run concurrently. The applicant has identified three possible restoration profiles, to demonstrate that were the importation of waste likely to be less than is required, a suitable restoration scheme can still be achieved. A time period of 18 years is estimated for the proposal, though this will depend to an extent upon the rate at which material is extracted from the quarry and may therefore vary. The applicant proposes a mosaic of features, including woodland planting, dry heath grassland, meadow grassland and wildflower meadow and a number of water features. The features vary, depending upon the final restoration profile achieved.
- 1.1.8 The operating hours are proposed to be:
07:00 – 18:00 Monday to Friday except Bank Holidays
07:00 – 13:00 Saturday except the Saturday preceding a Bank Holiday
Monday
The hours of operation of the D6 dozer are proposed to be limited to
10:00 – 16:00 on working days and no operation of the D6 dozer on
Saturdays, Sundays or bank holidays.
- 1.1.9 The applicants have submitted an Environmental Statement as part of the application which contains information regarding the baseline conditions, likely significant impacts arising from the proposal, the probability of effects and proposed mitigation measures. Matters covered within the Environmental Statement include the background to the proposal, a description of the site and its physical characteristics, the proposed importation, recycling and infilling operations, restoration, the use of materials, wastes and residues, consideration of alternative schemes, ecology, geology, hydrology and water quality, landscape and visual impact assessment, noise and vibration assessment, land uses and soil, traffic impact, recreation, cultural heritage and rural sustainability, dust assessment,
- 1.1.10 The access proposals have been revised in response to representations received on the application, and involve the creation of a new entrance into the site off the section of highway running east from the B5430 junction with the Eryrys Road at Graianrhyd (see the plan at the front of the report).

1.2 Description of site and surroundings

- 1.2.1 Maes Y Droell Quarry was established in 1880 for the quarrying and processing of silica sandstone and the manufacture of high quality industrial sands for specialist markets. The site currently has planning permission for the quarrying and processing of silica sandstone which expires in 2042. The site is operating under an old planning permission which placed a limited number of conditions on the site. The site is the subject of a stalled Review of Old Mineral Permissions (ROMP), with a draft Environmental Statement submitted on 10th December 2010. The local planning authority has agreed not to progress the ROMP application, pending the outcome of this planning application. The applicant estimates that there is over one million cubic metres of silica sandstone remaining in the quarry, of which approximately 0.5 million cubic metres can be extracted due to practical considerations.
- 1.2.2 The proposal site is located in Graianrhyd, and is outside of, but immediately adjacent to the AONB. Land to the north of the application area and within the applicant's ownership, including land which has planning permission for the

extraction of mineral, lies within the AONB. The site has a restoration scheme permitted under 15/384/96 which has not yet been implemented. There are a number of stockpiles of material, including waste material, which have a significant visual impact on the local area and can be seen from within the AONB.

- 1.2.3 The existing quarry access is located off the unclassified road which runs from Graianrhyd and Eryrys. The proposal site is bound to the north by a bridleway and to the south by Graianrhyd Road, an unclassified road which links to the B5430 to the west and the A5104 to the east. There is a Public Right of Way which runs along the south of the quarry and up towards the residential property Pen-Y-Foel. There are a small number of properties around the periphery of the site, including the former Rose and Crown Public House.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Area of Outstanding Beauty as defined in the Unitary Plan, and is directly adjacent to the AONB in open countryside, outside any village development boundary. The site is on a minor aquifer and is in an area known to be inhabited by a number of protected species; including European protected species (Great Crested Newt). There are a number of water courses in the vicinity of the site which could potentially be affected by the proposed development.
- 1.3.2 The site has planning permission to extract and process mineral until 2042, which is a major consideration in relation to this proposal.

1.4 Relevant planning history

- 1.4.1 The site was granted planning permission in 1947 for Silica sand quarry works (Interim Development Order permission (IDO)). The planning permission runs until 2042 by virtue of the Planning and Compensation Act (1991). There are a number of other permissions on the site relating to the use of the site for the extraction of silica sand.

1.5 Developments/changes since the original submission

- 1.5.1 The original submission was amended to include a revised access and an amended red line boundary. The applicant also provided additional information regarding Great Crested Newts, including mitigation and compensation proposals. Proposals to restrict the working hours of particular plant were also put forward, and a commitment to retaining an exposed part of the quarry face, in the interests of geological study, and a commitment to the provision of a restoration bond to ensure financial security of the site and the long term management of wildlife, including compensation areas. The revised plans and additional information were consulted upon, with neighbour notification, site notices and the publication of notices in a local newspaper.

1.6 Other relevant background information

- 1.6.1** The quarry is permitted to operate until 2042 and as such the acceptability of a quarry operation in this location is not in question.

2. DETAILS OF PLANNING HISTORY:

- 2.1 P11/107 Silica sand quarry works IDO permission: granted 11th September 1947**
- 2.2 11/290 Winning and working of minerals and provision of three vehicular accesses: Granted 18th October 1950**
- 2.3 11/355 Mining operations: Granted 22nd May 1951**

2.4 **15/384/96 New conditions issued in respect of IDO Permission: Granted 28th June 1996**

2.5 **15/877/98 Application for approval of conditions (in respect of permission 11/290): Stalled**

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 3 – Waste Disposal/Re-use
Policy GEN 1 – Development within Development Boundaries
Policy GEN 3 – Development Outside Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy ENV1 – Protection of the Natural Environment
Policy ENV2 – Development affecting the AONB/AOB
Policy ENV6 – Species Protection
Policy ENV7 – Landscape / Townscape Features
Policy ENP1 - Pollution
Policy EMP 2 – Main Employment Areas
Policy EMP 7 – Potentially Polluting Employment Development
Policy TRA6 – Impact of new development on traffic flows
Policy TRA10 – Public Rights of Way
Policy MEW4 – Restoration and aftercare
Policy MEW5 – Secondary Aggregates
Policy MEW 11 – Waste Management Facilities

3.2 GOVERNMENT GUIDANCE

3.3

Planning Policy and Guidance

Planning Policy Wales 2011
Technical Advice Note 18: Transport 2007
Technical Advice Note 21: Waste 2001
Minerals Planning Policy Wales 2000
Minerals Technical Advice Note 1: Aggregates 2004
Minerals Planning Guidance Note 7: Reclamation of Mineral Workings 1989
Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings, 1993
Policy Clarification Letter, CL-01-12, Publication of Collections, Infrastructure and Markets Sector Plan and its role relative to Regional Waste Plan First Reviews – Interim Planning Position

Waste Strategy Policy and Guidance

Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010
Collections, Infrastructure and Markets Sector Plan, 2012
Construction and Demolition Sector Plan, November 2012

3.4 REGIONAL GUIDANCE

North Wales Regional Waste Plan 1st Review

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Need and Best Practicable Environmental Option (BPEO)
- 4.1.3 Duration of the development
- 4.1.4 Visual and landscape impact
- 4.1.5 Noise and Vibration
- 4.1.6 Dust
- 4.1.7 Residential amenities

- 4.1.8 Highways
- 4.1.9 Public Rights of Way
- 4.1.10 Ecology
- 4.1.11 Hydrology (and water quality)
- 4.1.12 Drainage

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site lies outside the development boundary, however, Policy Gen 3 of the adopted UDP allows development in connection with mineral extraction outside development boundary. Policy MEW 5 also supports the reuse of quarries for the recycling of construction materials. National guidance, Technical Advice Note 21, Annex C, also supports the reuse of quarries for waste management facilities.

When considering whether the principle of this development is acceptable there are two main elements which, in Officers' view, should be considered:

- The principle of importing material to assist in the restoration of the quarry and;
- the principle of a recycling facility in this location.

Importing material

Maes Y Droell is an operational quarry with planning permission to extract mineral until 2042. There is a restoration scheme, which was approved under **15/384/96** and which this proposal seeks to modify through the importation of inert material and the creation of alternative restoration profiles. The planning permission does not allow the importation of material, although in order to achieve the restoration scheme approved under **15/384/96** it is likely that some material, including top-soil, would need to be imported. Although there is overburden material on site which can be used for filling part of the quarry this is not considered sufficient to achieve an acceptable landform. The site is outside of the development boundary, however, policy GEN 3 of the adopted UDP allows development in connection with mineral extraction outside development boundaries. The site is directly adjacent to the AONB but the area to which this proposal relates lies entirely outside of the AONB. Policy MEW 4 of the adopted UDP seeks to secure appropriate restoration and aftercare of mineral sites. The principle of bringing material in to a quarry to facilitate restoration is well established in national guidance, Minerals Planning Guidance Note 7.

The principle of locating waste management facilities in active (and in some cases disused) quarries, is established in national guidance, including Technical Advice Note 21: Waste. Local policy also supports the re-use of quarries for the recycling of construction materials, Policy MEW 5 of the adopted UDP. Policy at national, regional and local level supports the diversion of waste from landfill, which the recycling operation is intended to do, so in principle, the proposed use is considered in line with national, regional and local policy.

In Officers' view, the principle of the proposed development is considered acceptable and in accordance with policies GEN 3, MEW 4 and MEW 5 of the adopted UDP.

4.2.2 Need and Best Practicable Environmental Option (BPEO)

Policy MEW 11 of the UDP permits proposals provided that they are the Best Practicable Environmental Option (BPEO) and that there is an acknowledged need for the proposal in accordance with the waste hierarchy.

The issue of need is considered in relation to the waste management elements of the proposal rather than the restoration proposals, which, as identified above are considered to be acceptable and in line with local and national policy. The waste management elements of the proposal are for the recycling and disposal of inert waste. The proposal is considered in the context of the national waste strategy, Towards Zero Waste, which is supplemented by a number of Sector Plans, including the Collections, Infrastructure and Markets Sector (CIMS) plan (adopted July 2012) and the Construction and Demolition (C&D) Sector plan (adopted November 2012). On the 1st of November, the Welsh Government issued a clarification letter, CL-01-12, which advises that decisions regarding proposals for waste management should take into account the national waste strategy, of which the Sector Plans form part. Neither the CIMS plan, nor the C&D Sector plan, gives clear guidance as to the spatial requirement for recycling facilities for inert waste, although the lack of recycling facilities in rural areas is cited as an issue which needs to be addressed.

Need for waste disposal/recovery

The CIMS Plan discusses disposal of residual waste, but this does not take into account inert waste which requires disposal and is therefore not directly relevant to this application. The C&D Sector Plan provides an analysis of waste management in the C&D sector, and concludes that of the 12.2 million tonnes of waste produced by the sector, of which approximately 11% was landfilled. The WFD states that *“by 2020 the preparation for reuse and recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous C&D waste excluding naturally occurring materials defined in category 17 05 04 on the list of waste shall be increased to a minimum of 70% by weight”*. In Officer’s view, for the purposes of determining the application, the proposal is considered to constitute a recovery operation because the primary objective of the proposal is to achieve restoration of the quarry for beneficial use rather than a disposal operation and is therefore encouraged at the European and national levels.

The Waste Framework Directive established the Proximity Principle, which has then been incorporated into national policy and guidance. Planning Policy Wales states that *“Waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as practicable, that waste is not exported to other regions. It also recognises that transportation of wastes can have significant environmental impacts.”* The Waste Framework Directive now refers to wastes being recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and human health. The applicant does not specify where waste will be drawn from; however, they consider the availability of disposal sites within North East Wales and parts of North West England. They acknowledge that the market for processing, recycling and landfilling of inert wastes suitable for restoration of the site is outside their control and as a result put forward different restoration landforms to demonstrate that restoration can still be achieved even if importation rates fall.

Whilst Graianrhyd is a rural area, the proposal site is located less than 10 miles from Mold, Ruthin and Wrexham, and is therefore within a reasonable distance of potential markets. There are no licensed inert disposal facilities within Denbighshire and there is limited inert disposal capacity within the rest of the region in Conwy (Ty Mawr Farm, Abergele) and Llanddulas (a proportion of the remaining void). Other disposal facilities within the region are licensed to take non-hazardous waste or are restricted user sites. The availability of exempt inert disposal capacity is also reducing following

changes to the Environmental Permit Regulations. The distances from the proposal site to local markets are not considered unreasonable and as the number of disposal sites declines, the distances that wastes which require disposal will travel increases. proposal is therefore considered broadly in line with the proximity principle.

Recycling

The applicant intends to recover valuable material from the material brought to site by processing material and removing those materials that have value and can be used off-site, or are not acceptable as inert fill, in line with national policy and guidance. One of the benefits of recycling on site is that the applicant can secure waste material from a wider range of sites which are not able to process or reuse waste produced on site, which will potentially increase the volume of waste available for use in restoration of the quarry. Concern was raised by the Community Council that the recycling business will extend the use of the site and unreasonably delay its restoration. However, the applicant proposes to use the bulk of material brought into the site for infilling the quarry void, with a much lesser volume of material to be exported. The restoration of the quarry is limited to a much greater extent by the rate of extraction.

There are a limited number of permitted waste facilities within Denbighshire which can process inert waste. The Community Council raise concern that there is already ample capacity available in Wales including the Moel Y Faen Quarry on the Llandegla Moors, which is less than 9 miles from the application site. Information regarding inert waste management is limited as the national waste strategy focuses on priority materials which tend to have a greater ecological footprint than inert wastes. The level of construction and demolition waste has declined nationally since the start of the recession and there is a question over the availability of waste material for the proposal. The value of recycled aggregates, and the cost of transporting the material is considered likely to further limit the availability of waste to the project. However, this uncertainty is not in itself considered sufficient to warrant refusal of the proposal, particularly as the overarching purpose of the proposal is to achieve the restoration of the quarry.

The Welsh Government has made clear its commitment to recycling through the national waste strategy, Towards Zero Waste and the Construction and Demolition Sector Plan. This will increase the need for facilities which can reprocess waste, including inert waste, although the precise level of need is unknown. Policy MEW 11 permits waste management facilities provided that (ii) *There is an acknowledged need for the proposal in accordance with the waste hierarchy*. The proposal is considered in line with the waste hierarchy as it seeks to recycle waste where possible and use the remainder for beneficial use. Minerals Planning Policy Wales and Minerals Technical Advice Note 1: Aggregates, further outline support for the recycling of aggregates to reduce the need for primary aggregates.

To summarise, the level of need for inert waste recycling and disposal is currently unknown. As such, there is considerable uncertainty as to whether the restoration proposed within the application can be achieved. In order to ensure that satisfactory restoration is achieved in a timely manner, it is recommended that a condition is included to require period reviews to be undertaken to ensure that restoration is progressing even if the availability of waste material is less than anticipated by the applicant. This may result in a landform which is less than the original landform, however, on balance, is considered necessary to ensure that timely restoration is achieved.

Subject to the inclusion of conditions to address the points raised above, the proposal is considered acceptable in relation to Need and BPEO and in line with policy MEW11 of the UDP.

4.2.3 Duration of the development

Minerals Planning Policy Wales sets out the importance of achieving timely restoration of mineral sites (paragraph 54). Policy MEW 4 sets out the requirements for quarry restoration and the importance of achieving restoration within a reasonable timescale is highlighted within the explanatory text.

The duration of the proposed development is closely linked to the extraction of mineral. The quarry has consent to extract mineral until 2042. Concerns have been raised by a number of consultees regarding the duration of the proposed development, including the Community Council, CCW and the AONB JAC and a number of members of the public. The importation and restoration is anticipated to take place over a period of 18 years, though this is dependant upon the rate of extraction of the remaining mineral. As such, the importation and recycling operations could continue as long as the quarrying operations continue and beyond. Although national and local policy is supportive of recycling operations in quarries, the suitability of a site will depend upon a number of other factors, including, but not limited to, the impact of the proposed development on the AONB.

The rate of deposition of material is closely linked to the rate of extraction. Mineral will be extracted prior to the void being filled with inert material and waste material arising from the quarry operations. In Phase 1 there is limited extraction as much of the void has already been created. Extraction of mineral is anticipated to take between 2 to 3 years in Phase 1, whilst filling and restoration is anticipated to take between 3 to 4 years in Phase 1. Phase 2 extraction is anticipated to take 4 to 5 years, whilst fill and restoration is anticipated to take between 3 and 4 years. After Phases 1 and 2, the timescale for extraction is much longer because this area has had little mineral removed to date and at this point, it is anticipated that the rate of importation will be largely dependant upon the rate of extraction.

The purpose of this proposal is to secure restoration of a mineral working that is currently having a detrimental impact on the surrounding landscape. It is considered essential that this proposal does not increase the detrimental visual impact of the site by introducing stockpiles of inert material which could also become visually prominent and itself have a detrimental impact on the surrounding landscape. In order to address this point, and ensure that the rate of importation remains closely linked to the rate of extraction, it is considered necessary to include a condition restricting the storage of waste material and any associated products arising from the waste management activities within the site at any one time. It is considered appropriate that the duration of the recycling and importation activities should also be time limited to ensure that the recycling activities do not become a stand alone activity.

Subject to the inclusion of conditions to address the points raised above, the duration of the proposal is considered acceptable and in line with policy MEW 4 of the UDP.

4.2.4 Visual and landscape impact

Policies GEN 6, ENV 2, and ENV 7 are the guiding UDP policies in relation to visual and landscape impacts within the Area of Outstanding Natural Beauty (AONB) and its setting and within the Area of Outstanding Beauty (AOB).

The site is located within the Area of Outstanding Beauty (AOB) which is a designation within the UDP. The purpose of the AOB designation was to

protect an area considered to be of national importance, in landscape terms, which was being considered by CCW for designation as an AONB. Since the UDP was published, the extension to the AONB has been confirmed, however, the area excludes some parts of the AOB, including the operational quarry to the south of the bridle way. As such, it is considered that the AOB designation should be given less weight and the principal consideration, in landscape terms, should be the impact of the proposal on the AONB and its setting.

Although the site is located outside of the AONB, it is directly adjacent to it to the north and any development at this site has the potential to impact on the AONB. The quarry currently has a number of waste tips which are having a disproportionate impact on views from the AONB. It is however important to note that the quarry is already consented and there will continue to be a visual impact associated with the quarry workings. The main point to consider is therefore whether the importation of materials and the recycling operation will have a greater impact than the existing quarrying operations.

The Community Council, and a number of members of the public raise concern regarding the visual impact of the proposal on the AONB. The AONB JAC and CCW recognise the long term benefits that the proposal will have on the AONB, though the AONB JAC do raise concern regarding the duration of the proposal and the resultant impact on the local community and recreational users of the area.

The site is relatively well screened from the surrounding area by mature trees and vegetation. Bunds around the site provide a visual barrier in the local vicinity. The overburden tips, which are associated with the current quarrying operations are visible from a wider area, including Offa's Dyke National Trail and the AONB. The contrasting colour of the overburden tips makes them particularly visible given their light colour.

The proposal is to restore the quarry to its original profile, reducing its visual impact. The proposed restoration is anticipated to take approximately 18 years, although this will be dependant upon the rate at which remaining mineral is extracted from the quarry. In the short to medium term, there will continue to be a significant visual impact associated with the quarry. However, in the short to medium term, the proposed importation of inert materials and recycling operations are not considered likely to have a greater impact on the AONB than the existing operations and over the long term are considered likely to result in a visual improvement.

Since the application was originally submitted a revised access proposal has been submitted to address matters of highway safety. The revised proposal involves the creation of an access onto the unclassified part of Graianrhyd Road. The access is designed at an angle to help reduce the visual impact of the proposed entrance in the locality and to mitigate any impacts of the entrance on local amenity resulting from noise and dust. The land to the south of the application site forms an important visual barrier between the quarry operations and the village of Graianrhyd. Although the site is having a detrimental impact on the wider landscape, its visual impact within the immediate locality is more limited because of the location of the existing access. The creation of the proposed access will increase the visual impact of the site within the immediate locality, particularly in the short term during its construction. However, the proposed alignment of the access is designed to minimise the visual impact of the access and appropriate planting will help the access assimilate within the locality.

The proposal will have an impact on the visual amenity of the local area in the short term, however, in the longer term, the proposal will reduce the

impact that the site is having on the AONB. On balance, the potential benefits for the AONB which will be secured as a result of the proposal are considered to outweigh the need to protect the short term visual amenity of the local area which are limited in their duration and impact as a result of the proposed alignment. In relation to visual and landscape impact, the proposal is considered acceptable and in line with policies GEN 6, ENV 2 and ENV 7 of the UDP.

4.2.5 Noise and Vibration

Policies GEN 6, ENP 1 and MEW 11 of the UDP and Minerals Technical Advice Note 1: Aggregates (Sections 85-88) and Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings (1993) provide the guiding policy in relation to noise.

An assessment of noise and vibration was undertaken by the applicant in support of the application and submitted as part of the Environmental Statement. The assessment determined the likely impact of noise generated during the proposed recycling and infilling operations, taking account of the continued extraction of minerals and restoration work at the quarry. The applicant has used Minerals Planning Guidance: The Control of noise at surface mineral workings' as a source of advice, as well as Minerals Technical Advice Note 1 and Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. The guidance recommends that a maximum noise level of 55dB_{Aeq,1hour} is applied to noise from surface mineral operations.

55dB(A) where background noise levels exceed 45 dB(A) is the lower limit of the daytime noise levels where serious annoyance is caused. MTAN 1 states that during temporary and short term operations higher levels may be reasonable but should not exceed 67dB(A) for periods of up to 8 weeks in a year at specified noise sensitive properties. Background noise levels are relatively low around the quarry, ranging from 33dB at the Rose and Crown to 39dB at Maes y Droell farm house. However, it is important to note that the quarry is an existing operation with a restoration scheme permitted, the implementation of which would exceed 10 dB above background at a number of different locations during different phases of the quarry operations. The applicant has compared noise resulting from infilling with quarry residues under permitted operations and noise resulting from the noise with a dozer for spreading and compaction. The use of the dozer results in the 55dB(A) being exceeded at a number of properties, including the Rose and Crown, Chapel House and Old Gatehouse during phase 1 for works near ground level and at the Rose and Crown during phase 1 for works below ground level. The applicant has agreed that in order to control noise at the site, hours of operation of the D6 dozer will be limited to 10:00 – 16:00 on working days; by using a 360 excavator instead of a dozer to place and spread topsoils for restoration of the surface. They state that the use of a D6 or similar large machine to place imported fill is essential because the weight of the machine achieves compaction which an excavator would not do. They have also agreed to delay the start time for the importation by lorry if it causes a problem for residents near the proposed entrance. However, the applicant would want evidence that importation at the site was causing a problem before agreeing to a delayed start.

Noise: Cumulative impact

The applicant has predicted noise from the operations, allowing for more than one phase to be undertaken at the same time, i.e. excavation and backfilling and restoration to occur in parallel. It has been assumed that crushing and screening of quarried mineral or inert waste material will not take place together as the same plant will be used for both types of material. Noise levels are predicted to be breached at a number of sensitive properties.

It is suggested within the Environment Statement that temporary bunding could be used if a significant noise reduction effect could be achieved. Other measures, including close liaison with the residents of these properties and the rescheduling of other noise generating operations at the quarry, are proposed to try and mitigate the impact of noise on nearby residential properties.

Minerals Technical Advice Note 1: Aggregates, advises that noise limits should relate to the background noise levels subject to a maximum daytime noise limit of 55dB(A). During temporary and short term operations higher levels may be reasonable but should not exceed 67dB(A) for periods of up to 8 weeks in a year at specified noise sensitive properties. Minerals Planning Guidance 11 advises that in rural areas, applying a condition limiting operations to a 10 decibel excess over background noise levels may be difficult to achieve and unduly restrictive. It is important to note that the site is an existing operational quarry with existing operational conditions which include noise limits of 55dB during the day and 42dB at night. It is considered it would be unreasonable to seek to further restrict the noise limits of the recycling and infilling operations at the quarry.

The Community Council and a number of members of the public raise concern regarding the impact of noise from the proposal on the surrounding area. The Environmental Health Officer does not object to the proposal, subject to the inclusion of conditions to minimise noise levels at sensitive receptors.

In order to ensure that measures to address noise are fully implemented, it is recommended that a condition is included to ensure the measures proposed within the Environmental Statement are adhered to, including the use of bunds. Limiting the operational hours of machinery or other works likely to cause the limit of 55dB(A)eq, 1hr (freefield) to 10:00 to 16:00 Monday to Friday is also considered necessary in order to reduce the impact of the development on the nearby residential properties. A condition to ensure that bunds are created prior to any works considered likely to breach noise limits on the site is considered necessary. Details of works and bunds necessary should be submitted to and approved by the LPA. A condition imposing a noise limit at noise sensitive properties, with any exceedance for certain works kept to a minimum and to be agreed in writing with the LPA.

Members should note that noise will also be regulated by the Environment Agency through the Environmental Permit. However, given the level of concern raised by consultees and the likely exceedances of noise levels during certain works it is considered necessary for the local planning authority to retain strict control over noise levels resulting from the proposed works.

4.2.6 Dust

Policies GEN 6 and MEW 11 of the UDP and Minerals Technical Advice Note 1: Aggregates (Sections 72-77) provide the guiding policy in relation to dust.

The applicant has proposed a number of measures to address dust within the site. The Environmental Statement identifies potential sources of dust arising from the operations within the quarry, which may arise from the normal operation of the quarry, or from the recycling activities and the filling of the quarry void, including the movement of vehicles within the site. There is a prevailing westerly wind which would carry the majority of mobilised dust towards the east, past Pen y Foel.

Dust can impact on the surrounding environment by virtue of its pH, or its nutrient content. The surrounding heathland habitat has naturally low nutrient levels and the introduction of additional nutrients arising from the handling of

top soils could potentially disrupt the heathland ecosystem. Silica sand is chemically inert and would not alter the pH of soils, however, some construction materials are alkaline in nature and could generate a dust with an elevated pH.

In order to minimise the impact of dust on both residential receptors and the environment, a number of measures are recommended including phasing to minimise the extent of friable soil exposed at any one time, speed limits within the quarry, the use of construction equipment designed to minimise dust, water spray dampening of waste materials and soils, sheeting of lorries, minimise drop heights, observation of wind speed and directions, the use of wheel cleaning facilities and a road sweeper where necessary.

Since the dust assessment was undertaken the applicant has revised the access, opening up an access onto the unclassified part of Graianrhyd Road. No further assessment of dust was undertaken as a result of the revised access. However, it is considered that dust can be adequately controlled through the use of the measures proposed within the Environmental Statement and through the sensitive siting of any processing operations, as well as the use of temporary bunds where necessary.

Dust: Human Health

Concerns are expressed locally regarding the potential harm that silica dust can cause to human health. The concern arises from the potential health risks associated with significant exposure to dust containing crystalline silica, which is known to cause silicosis, and which is found in almost all types of rocks and is a risk associated with working in the quarrying industry. No cases of silicosis have been documented among members of the general public in Great Britain indicating that environmental exposure to silica dust is not sufficient to cause this occupational disease. Operators should comply with the Control of Substances Hazardous to Health Regulations 2002 (COSHH) as amended, which is regulated by the Health and Safety Executive (HSE). The HSE did not object to the proposal.

The Pollution Control officer does not object to the proposal but requests that adequate steps should be taken to prevent dust causing a nuisance beyond the site boundary. The Environment Agency do not object to the proposal but highlight that the applicant is required to demonstrate how pollution to the environment or harm to human health will be prevented as part of the Environmental Permit application. Any crushers used on site would be permitted by the local authority under separate provisions.

The Health Board note that there is a potential risk to health from the activities undertaken at the site and the risk to health appears to be limited to nuisance caused by dust and noise. Whilst the application identifies that the operations generally appear to have addressed the risks and be in line with the principles of Best Available Techniques (BAT) the Health Board requests that measures are put in place, through condition, to prevent nuisance and health risks to sensitive receptors.

Concern is raised by the Community Council, and a number of members of the public regarding the impact of dust arising from the proposal. Members should note that dust will also be controlled through the Environmental Permit. However, given the level of concern raised in consultation, it is considered necessary for the local planning authority to retain strict control over the management of dust arising from activities within the site.

Subject to the inclusion of conditions to address the points raised above, the proposal is considered acceptable in relation to dust, and in accordance with policies GEN 6 and MEW 11 of the UDP.

4.2.7 Residential amenities

Policies GEN 6 and MEW 11 of the UDP provide the guiding policy in relation to residential amenity.

There are a number of residential properties in close proximity to the quarry. The closest property to the application area is Ty-Isa, the boundary of which is approximately 40m from the fill area. There are a number of properties along Graianrhyd Road and two properties to the north east of the quarry. When considering the impact on residential amenity, it is important to note that the quarrying operations are already consented and are therefore not under consideration, although it would be relevant to consider any cumulative impacts of the proposal and quarry workings.

The proposed duration of the works ties in with the extraction of the mineral and is anticipated to be approximately 18 years, however, this may vary depending upon the availability of waste material and the demand for mineral. The level of fill material required is likely to be greater in the first 8 to 11 years because of extraction undertaken to date. After this point, the rate of importation will be dependant upon the rate of extraction.

The Environmental Impact Assessment contains a number of assessments which collectively have the potential to impact upon residential amenity such as noise and dust. These matters are discussed separately within the report and are considered collectively in relation to residential amenity.

In Officers' view, the proposal *is* likely to have an impact upon residential amenity as a result of increased activity at the site, and there will be both onsite and offsite impacts.

Offsite impacts will be in the form of an increase in vehicle movements to and from the site which will affect both immediate neighbours and residents along the wider highway network. Objections have been raised by members of the public in relation to the impact of increase vehicle movements. Department for Transport surveys show that HGV movements along the A5104 at Pontblyddyn, which is the route likely to be taken by a large proportion of the vehicles using the site. The data shows that significantly larger volumes of HGV traffic have used the highway over the last decade compared with the last 3 years. This proposal would be well within variations observed during the last 12 years and as such the additional highways movements are considered acceptable in relation to the wider highway network from both a safety perspective and amenity perspective.

The AONB JAC also seek assurances that the additional traffic associated with the recycling and importation activities will not be routed through the AONB.

Impacts arising from activities within the site (on-site impacts) will arise from increased noise disturbance and increased potential for dust, both of which are discussed in detail above, along with the visual impact of the proposed access which will mean that the quarry is visible to a larger number of properties in Graianrhyd compared with the existing access. The access is designed to minimise the visual impact of the quarry and to minimise the potential for detriment to be caused as a result of noise and dust. Technical Advice Note (TAN) 21 advises that where a proposal would cause adverse impacts on amenity and the problems cannot be mitigated to an acceptable standard by conditions, planning permission should be refused. As discussed above, it is considered that issues relating to dust can be adequately controlled. However, in relation to noise, there will be works which cause noise limits to be exceeded at a number of sensitive properties during phases

1 and 2. Mitigation measures are proposed within the Environmental Statement and the Environmental Health Officer has recommended a number of conditions to reduce the impact on nearby sensitive receptors. It should also be noted that the site will require an Environmental Permit, which will be issued and regulated by the Environment Agency which will also control matters such as dust and noise.

4.2.8 Highways

Policies TRA 6 of the UDP and Technical Advice Note 18: Transport, provide the guiding policy in relation to highways.

A number of concerns have been raised in relation to highways, including the use of the junction with the B5430, the proposed access, nuisance issues from an increase in highways movements to the site, and nuisance issues from an increase in overall volumes of traffic on the wider highway network, including the A5104. Dust issues are covered in section 4.2.6. Measures to prevent material being transported onto the highway such as wheel washing and sheeting of vehicles will help to address concerns regarding dust created by vehicles using the site.

Concern is raised by the Community Council and members of the public, regarding the ability of the wider highway network to accommodate additional heavy traffic. Particular concern is raised regarding the condition of the Cyfnant Bridge over the River Alun on the B5430 leading to the site. The bridge is maintained by Denbighshire County Council to cater for the size of vehicles using the road and is a matter for the Council and is not material to the determination of this application.

The existing quarry access is located on the eastern side of the public highway running from Graianrhyd to Eryrys, which is an unclassified road. The original proposal was to create a new access along this road near the junction with the B5430 Ruthin to Minera Road. Following feedback received during the first consultation it is clear that any increase in road users using the junction with the B5430 would be unacceptable. The applicant has since submitted a revised access proposal involving the creation of a new access to the east of the Eryrys junction of the B5430, on a section of the highway which leads back to the A5104.

Visibility splay greater than 90m can be achieved to the west; however, visibility to the east of the quarry is restricted by the hedge on the frontage of Y Fron, the neighbouring residential property, which is outside of the applicant's control.

A visibility splay of only 47m to the east can be achieved on land within the applicant's control and the Highway Authority.

The applicant has asked that the following is taken into account: the fact that traffic approaching the entrance within the eastward visibility splay will be in the opposite carriageway and not near the kerb, so visible over a much greater distance; the elevated driving position of HGV drivers which gives greater visibility from the cab; and the forward driving position in modern HGVs, so the driver is much less than 2.4m from the junction when waiting to pull out. The applicant has also advised that they would be prepared to revise the precise alignment of the access in order to achieve the required visibility splays and requested that this be secured via condition. The applicant has also advised that they would be willing to provide speed attenuation measures.

Speed data at the proposed location shows that 85 percentile vehicle speeds are 40.5 mph Eastbound, 38.9 mph Westbound, and two-way 39.8 mph. TAN 18 states that where the traffic speeds are known for 37mph a visibility splay

of 2.4x 90m is required. TAN 18 annex B identifies much shorter Sight Stopping Distances, however, these apply to roads in built up areas where actual or design speeds are 60kmph (37mph) or below. The Highways Officer considers the use of Sight Stopping Distances in accordance with Table A (90m) are necessary in this location and would be acceptable if, as part of the planning submission, measures to reduce speed (vehicle actuated signs on both approaches to the new access together with any associated carriageway markings) are provided.

The Highways Officer has objected to the proposal as it appears impracticable within the curtilage of the site to construct an access with the County Road which would provide sufficient visibility in the east direction along the B5430 for vehicles emerging from the site. The applicant has advised that *"we confirm that the intended layout will follow the design principle shown in our drawing 2893/28 previously submitted, but the position will be moved westwards to accommodate the required visibility splays. At present the anticipated centre-line from which the splay is measured would be approximately 45m west of the boundary between the quarry property and the neighbour Y Fron. The entrance will be at an angle as shown so that the remaining land and/or replacement bunds can be used to minimise views into the site (as indicated on the drawing 2893/28). All disturbed ground will be re-sown or planted. We request that you use a planning condition eg 'no development shall take place until access details have been approved in writing' so that the detail can be developed after planning permission is granted."*

The Highways Officer has raised particular concern with the level of visibility due to the average speed within the area exceeding 30mph. In order to address these issues the applicant has agreed to provide speed attenuation measures and realign the proposed access, which may address these concerns and make it unreasonable to refuse the application on the basis of inadequate visibility splays. The use of a Grampian condition requiring further details of the access would be appropriate, as well as the use of a S106 to secure the provision of road markings and vehicle actuated signs.

Details of how surface water from the new access road will be disposed of will be required and should be secured via condition.

The JAC request assurance that additional traffic associated with the recycling and importation activities will not be routed through the AONB. The applicant has identified that vehicles will use the unclassified part of Graianrhyd Road before meeting up with the A5104.

On balance, it is considered that any concerns relating to the highways impact of the proposed development can be addressed through the use of a Grampian condition and S106.Agreement.

4.2.9 Public Rights of Way

Policies TRA 10 of the UDP provides the guiding policy in relation to Public Rights of Way.

The site is crossed by a Public Right of Way which runs from the west of the site, along the southern boundary of the site and runs up towards Pen Y Foel. The footpath has already been diverted to accommodate extraction in the southern part of the quarry. The proposal will require an alteration to the existing footpath as the proposed access road. The access road will be made by making a cutting through the land to the south of the extraction limits. The applicant has retained the line of the footpath, although it is evident that the gradients of the footpath will change considerably as a result of the proposed development. The footpath will be crossed by the new access road which

could potentially increase the risk posed to users of the footpath. As part of the restoration of the site it is proposed to reinstate the original line of the footpath.

The Footpath Officer has not objected to the proposed development but requests that the minor regrading works to the banks do not effect the Footpath from C- D. At the location of the new access road, steps need to be incorporated into the banks; step design will have to be as per the BS 5395-1:1977 with a break in the steps where it rises up from point G on the plan to point E. The desired route for the Footpath at the crossing point of the access road is from F-G on the plan, with a width of 2 meters on a hard standing surface, where it runs parallel with the access road. Furthermore, at the crossing point, provisions will have to be made to provide safety to the walker, as well as warning signs placed by the Quarry, making all wagon drivers aware that a Footpath crosses the access road. The Footpath Officer also advised that the reinstatement of a road, previously used as a bridleway, within the site would further enhance the area.

The Ramblers Association do not object to the proposal in principle, however, they request the inclusion of conditions requiring that the path be properly graded on both sides of the access road; the crossing point be indicated by being raised above the road and indicated with black and white paint; and lorry parking be prohibited 10m either side of the crossing. The reinstatement of the Public Footpath should be done as soon as possible, prior to the completion of the restoration of the entire site, if this is feasible.

Over the long term there will be an improvement to the Public Right of Way. Policy TRA 10 of the UDP seeks to retain and where possible enhance existing PROW. The proposal will have a short term impact on the PROW, however, in the long term there will be an improvement. On balance, and subject to condition to address the points raised above, the proposal is considered likely to have limited detrimental impact on the PROW, with an overall benefit in the long term.

4.2.10 Ecology

Policies ENV 6 of the UDP and Technical Advice Note 5:Nature Conservation and Planning, provide the guiding policy in relation to ecology and Protected Species.

There are a number of protected species within the vicinity of the site including the European protected species Great Crested Newt. The applicant undertook a series of desk top and site investigations including site surveys and detailed species surveys throughout 2010. The investigations concluded that species of particular note include Great Crested Newts, Badger, bats including the Lesser Horseshoe bat, a number of bird species including Linnet and Songthrush which are both globally threatened species, and a number of botanical species of note. The wooded boundary of the site is of some conservation importance and two meadows of high quality grassland to the north eastern and north western ends of the quarry are identified. The habitat within the quarry consists mainly of pockets of scrub surrounded by bare ground and has relatively limited interest because of regular working within the quarry.

Great Crested Newts

Great Crested Newts (GCNs) were not observed during within the quarry, however, ponds within 500m of the proposed working area are identified as being used by GCNs as a breeding site. The applicant will therefore be required to apply for a Great Crested Newt development licence under the Conservation of Habitats and Species Regulations 2010. The Environmental Statement contains a number of mitigation measures relating to GCNs.

However, the Countryside Council for Wales initially objected to the proposal as they felt that the applicant had supplied insufficient information to demonstrate no detrimental impact on the favourable conservation status of the newt population present at this locality. The applicant submitted additional information outlining in more detail of progressive phasing, site monitoring, and setting out the principles for the avoidance of disturbance or impact on GCNs, biosecurity measures, long-term security and management of compensation areas and long term management of restoration areas. Following the submission of the additional information CCW removed their objection and advised that *"In our opinion, the development as proposed in its current form is not likely to have an adverse effect on.... (Great Crested Newt).. provided any consents are subject to planning conditions/obligations in respect of the European Protected Great Crested Newt in the long term."*

The Local Planning Authority has carried out an Article 16 Derogation test, in line with the requirements of Technical Advice Note (TAN) 5 and Regulation 53 of the Conservation of Habitats and Species Regulations 2010. The conclusion is that the proposal meets the relevant tests and that there is sufficient information to allow a decision to be made. If all the planning conditions and obligations are implemented as recommended, then no impact on the Favourable Conservation Status of great crested newt is anticipated. Without these conditions and obligations then approval of the proposal would be contrary to Article 16 of the Habitats Directive.

Bats

No structures or trees on or near the site were considered suitable for use as bat roosts. However, the local area is well known to support a wide diversity of bat species including the Lesser Horseshoe Bat. The site boundaries and areas of scrub around the site are used as foraging and commuting routes. Bat activity is concentrated on the site boundaries generally late in the evening. The site was concluded as being of limited importance to bats, however, the potential impact on bats is considered to be from lighting which can be mitigated through the sensitive use of lighting within the site. The County Ecologist did not object to the proposal, but did recommend that the mitigation measures proposed within the Environmental Statement are conditioned and followed and the boundary area is maintained as a resource for bats.

Badgers

No setts or suitable foraging habitat were recorded within the operational quarry, however, there is the potential for the operations inadvertently to kill or harm individual badgers. Mitigation measures proposed within the Environmental Statement are proposed to reduce this risk. The Clwyd Badger Group do not object to the proposal but request that when the site is completed the badgers' foraging should be taken into account during restoration. The County Ecologist does not object to the proposal, but recommends that the mitigation measures proposed within the Environmental Statement are conditioned and followed.

In summary, the early, phased restoration of the site will enhance the biodiversity, including protected species. A wildlife management plan is proposed to develop and maintain habitats for protected species. Subject to the inclusion of conditions to address the points raised above, the proposal is considered unlikely to have a detrimental impact on protected species and the nature conservation interests of the area. In the long term, the proposal will result in improved habitat for flora and fauna, including protected species. The proposal is therefore considered acceptable in relation to ecology, and in line with the requirements of policy GEN 6 and ENV 6 of the UDP and Technical Advice Note (TAN) 5.

4.2.11 Hydrology (and water quality)

Policies GEN 6, ENP1, ENP 4, ENP 6, and MEW 11 of the UDP provide the guiding policy in relation to water quality.

The applicant undertook a hydrogeological and hydrological investigation in support of the application, which considered the potential effects of the proposal on the water environment. The quarry is situated within the catchment of the Afon Terrig, which is located 1.3km to the south of the site, with two small watercourses in close proximity to the site, one of which runs parallel to the western site boundary which has been culverted through the site car park to an outfall, where it rejoins its original course. The other water course is located 100m-200m to the east of the site, with its source 400m north of the site boundary. Both watercourses form tributaries of the Afon Terrig. There are a number of springs within a 1km radius of the site, ponds and waterbodies and 2 surface water abstraction points within 2km of the site, one of which is 0.1km from the site boundary.

The site is not located within the C1 or C2 flood plain, but is located within flood zone 1, as designated by the Environment Agency, and is not at risk of flooding. No active dewatering of the site is proposed as both the current mineral extraction and proposed infilling are expected to remain above groundwater levels in the existing quarry. The Environment Agency has not objected to the proposal on the grounds of impact on groundwater quality. However, they have advised that further groundwater quality data will be required as part any Environmental Permit for the activity.

The proposed development will require a permit from the Environment Agency. As part of the permitting requirements the applicant will need to submit a conceptual model on the hydrogeological conditions to demonstrate that the proposal will not have a detrimental impact on water quality.

The quarry comprises Cefn-y-Fedw Sandstone of the Millstone Grit Series, which is underlain by Carboniferous Limestone, which is worked at Graig Quarry, 1km to the west of the site. Limestone is designated by the Environment Agency as a principle aquifer, however, due to the limited outcrop in this area it is designated as a secondary aquifer. This means that the underlying strata is capable of supporting water supplies at a local rather than strategic scale, however, in some cases may form an important source of base flow to rivers.

There is currently one groundwater abstraction within a 2km radius of the centre of the quarry, 200m to the west of the northern boundary. There are 3 SSSIs and one SAC within 5km of the proposal site; however, they are not located adjacent to or immediately downstream of the quarry.

Proposed engineering works to minimise leachate involve the use of naturally occurring clays and silts which would be used to create a geological barrier across the base and the sides, between the inert fill and the remainder of the site and will comprise a minimum of 1m to achieve permeability no greater than 1×10^{-7} m/s, in line with Environmental Permitting requirements. It should be noted that the precise engineering requirements would be regulated by the Environment Agency through the Permit.

An artificial sealing liner is not proposed given the inert nature of the material to be deposited at the site. The upper 0.5m of waste will be selected for its low permeability properties and the waste will be graded to encourage surface water run-off. The precise detail of the geological barrier is a matter for detailed conditions within any Environmental Permit for the proposed activity.

On balance, it is considered that issues relating to water quality will be addressed via the Environmental Permit. Measures to ensure that there is no increase in surface water flooding as a result of the proposed development can be secured via condition.

4.2.12 Drainage

Surface water currently collects in the base of the quarry and gradually soaks away. Should surface water need to be removed from the quarry, for example, following an extreme weather event, water will be removed by pump to the car park pool water body, from which the water discharges to the west and ultimately south of the site.

It is intended to direct surface water away from operational areas. A purpose built sump (shallow void approximately 0.5m deep where the quarry floor is of shallow gradient) is proposed to be constructed to collect water from the recycling operation which will then be collected within the Car Park Pool before the water is discharged off-site. Monitoring is proposed so that discharge can be suspended if not of acceptable quality. The sump will not be located in the far southern end of the quarry at the point of deepest mineral extraction as this would be in the way of mineral extraction. This would also ensure that the base of the sump will remain several metres above the recorded ground water level.

Surface water management bunds and a series of ditches are to be constructed as necessary to direct surface water run-off from the active filling area during the restoration filling phases. In the event of a contaminant spillage within the recycling or filling areas pollutants will be contained and treated within the curtilage of the quarry. An Incident Control Procedure would be employed in the event of a spillage.

Given the nature of the material to be deposited at the site there is no requirement for a sealed drainage system or leachate collection. It is important to note that protection of the water environment will be required as part of the Environmental Permit. The Environment Agency has not objected to the application on the grounds of surface water drainage but have advised that the applicant will need to ensure that the Terrig Stream and the culvert under the B5430 has sufficient capacity to cope with any increased rate of run-off should this occur.

Following the revision of the access, it would be necessary to require the submission of a drainage scheme prior to commencement of the works, to ensure that the creation of the new access does not have a detrimental impact on surface water flows from the site to the highway.

Subject to the inclusion of conditions to address the points raised above, the proposal is considered acceptable in relation to drainage and in accordance with policies GEN 6 and ENP 4 of the UDP.

Other matters arising during the consultation phase, not previously raised in the report:

- Financial guarantees

Concern is raised by the Community Council, the AONB JAC and a number of consultees regarding potential financial failure of the business resulting in the site being left unrestored. Minerals Planning Policy Wales recognises the need to address uncertainty for communities about the completion of restoration proposals and identifies the use of S106 to secure financial guarantees. Given the detrimental impact that the proposal is currently having on the AONB and the need to ensure that restoration is achieved in a

timely manner in order to minimise disruption on the local community it is considered reasonable to require financial guarantees that restoration will be completed. It is therefore recommended that this application is subject to a S106 agreement which provides a financial guarantee. The applicant has confirmed that they are willing to enter into such an agreement.

- Geodiversity

The Geodiversity Officer recommends that part of the quarry face should be retained to help preserve geological and historic interest. The applicant has recommended that part of the Western face of the quarry is retained, in order that the rock strata are available for geological study once the quarry and infilling in this area are completed. It is considered that this can be done through the periodic reviews of restoration and secured via planning condition..

- Prematurity

The Local Development plan - LDP is not yet adopted. Planning Policy Wales provides advice in relation to issues of prematurity and states that: *"Refusing planning permission on grounds of prematurity may be justifiable in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Refusal will therefore not usually be justified except in cases where a development proposal goes to the heart of a plan."* The LDP makes provision for new waste management facilities through the allocation of specific sites. However, these allocations do not preclude the siting of waste management facilities in other locations and no allocations are included within the LDP for waste disposal, which will be considered on a case by case basis. In Officers' view, this proposal does not go to the heart of the LDP and is not so substantial that to grant permission would predetermine decisions which ought to be taken in the LDP context.

- The status of the Regional Waste Plan

Questions have been raised over the Regional Waste Plan, which is currently under review and whether a decision should be delayed until such time as this review has been completed. The North Wales Regional Waste Plan (2004) was reviewed and was adopted in July 2009. Since the adoption of the North Wales Regional Waste Plan 1st Review the national waste strategy has been reviewed which places much more stringent requirements on the management of wastes. The Welsh Government is currently in the process of reviewing national planning policy to reflect the changes brought about by the national waste strategy. In order to assist local authorities in the determination of waste planning applications the Welsh Government issued a clarification letter, CL-01-12, in November 2012 which seeks to avoid the delay in decisions as a result of the review of national waste policy. The letter advises that the Collections, Infrastructure and Markets Sector Plan provides an up to date position on the need for waste facilities and should be used to guide decisions and that the future on regional collaboration will be consulted upon as part of the review of national policy. The Collections, Infrastructure and Markets Sector Plan focuses on priority materials and does not give a clear indication of the level of need for inert waste processing. The Construction and Demolition Sector Plan does not identify the level of need for processing facilities but highlights that where material cannot be reused it should be recycled. It is considered unlikely, as a result of the review of national policy, that the position will become any clearer, particularly at the local level. Therefore, with respect to the concerns expressed, the application

should be assessed on its own merits, taking into account the nature of the development and the prevailing circumstances of the time.

- Health Impact Assessment

Concern regarding the health impacts of both the proposal and existing operations are expressed by members of the public., along with requests for a Health Impact Assessment to be undertaken.

Planning Policy Wales, Edition 5, provides the relevant planning policy and requires health to be considered in the determination process. Technical Advice Note (TAN) 21: Waste (2001) provides advice regarding the consideration of health; however, it states that "*Where relevant to the development, impact on human health issues should be taken into account in planning decisions as part of Environmental Impact Assessment*". There is therefore no specific requirement in policy or guidance for a stand alone HIA to be undertaken. It is considered appropriate that the consideration of health issues is undertaken as part of the Environmental Impact Assessment (EIA) and there is no justification for the requirement for a separate Health Impact Assessment (HIA).

5. SUMMARY AND CONCLUSIONS:

- 5.1 This proposal is intended to facilitate the restoration of Maes y Droell Quarry, a silica sand quarry which has been operating since 1880. The quarry is permitted to operate until the 21st of February 2042 and the extraction of mineral can take place up to and including this date. The proposal involves the importation of inert waste which would be processed and recoverable material taken off-site for use elsewhere.
- 5.2 There are local concerns in objection to the proposal on a number of grounds including, impact on residential amenity, on the AONB and its setting, on highways safety, on human health, and from noise, and dust. There is also some support expressed given the direct and indirect employment opportunities that the proposal would generate.
- 5.3 The key planning considerations in relation to this proposal are considered to be the impacts on the AONB and its setting, on residential amenity, particularly as a result of dust and noise, on protected species, and on highway safety.
- 5.4 The proposal is likely to result in an increase on current levels of activity within the site which may increase the potential for nuisance resulting from dust, noise and vehicle movements. Given to the proximity of residential properties and the nature of the proposal there may be instances when activity may result in noise exceeding the current and proposed noise limits, but these would be limited to compaction activities during phase 1 at or near surface working. Measures to carefully control noise are proposed by the applicant and can be secured via condition. Monitoring would be required to ensure that any breach of controls are kept to a minimum and are within the limits set by MTAN 1. Measures to control dust can be secured via condition and will require careful management of the site. The site will require an Environmental Permit which will also control matters such as noise and dust.
- 5.5 The proposal includes the creation of a new access along the road running east from the B5430 junction with the Eryrys Road. The proposals illustrated on the plans can only achieve a visibility splay below that specified within TAN 18, but in order to address this shortcoming, the applicants have advised that they are willing to revise the location/alignment of the proposed access so that the required visibility splays can be achieved to the west and the east. The use of a Grampian condition to secure a satisfactory access prior to the commencement of operations would ensure that the proposals do not have an unacceptable impact on highway safety, and on this basis,

it is not considered reasonable to refuse the application on the grounds of highway safety.

- 5.6 There are a number of uncertainties within the application as the duration of the project and the final restoration achieved will be dependant upon markets for both extracted mineral and imported waste material. Ultimately, the final restoration will depend upon the availability of waste material for import and, given the uncertainties identified above, it may not be possible to achieve the original landform. However, it is considered possible to achieve a suitable restoration with less waste material. The requirement for reviews will ensure that restoration is progressive. This uncertainty is not considered sufficient to warrant refusal of planning permission.
- 5.7 In Officers' opinion, the site is currently having a disproportionately detrimental impact on the surrounding landscape, including the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB), by virtue of waste tips which are visually prominent. This proposal seeks to achieve restoration of the quarry without sterilising the remaining mineral within the quarry. The timescales for restoration are in line with the timescales for extraction and are anticipated to be approximately 18 years, however, if mineral is extracted at a lower rate than currently anticipated this could extend, potentially until 2042. The initial phases can, however, be restored in a much shorter timescale as much of the void already exists. In the long term, the proposal will have a beneficial impact on the AONB through the removal of unsightly waste tips and will have a beneficial impact on the ecology of the local area and in particular, Great Crested Newts through the creation of new habitat.
- 5.8 In coming to the recommendation below, Officers recognise this is a significant proposal with complex issues which must be carefully weighed. Determination should as ever be in accordance with the development plan, unless material considerations justify a different conclusion. There is the potential for nuisance to be caused as a result of this proposal, however, measures to mitigate these impacts have been recommended by the applicant and can be secured by condition and the use of legal agreements. In Officers' opinion, the main issue is whether the need for the development outweighs any harm likely to result from the development. The Clwydian Range and Dee Valley AONB is a nationally designated landscape with statutory protection. Policy ENV2 seeks to protect the AONB and its setting. The restoration of this site will help achieve this objective without compromising the national priority to drive the management of waste up the waste hierarchy.

On the basis of the above, the Officer recommendation is to GRANT permission subject to :-

- A) The completion of a Section 106 Obligation in accordance with the 1990 Planning Act, to secure:
- i. The implementation of highway works including speed attenuation measures at the developer's expense, and the payment of commuted sums to cover maintenance costs over a 15 year period
 - ii. A restoration bond to ensure the future restoration
 - iii. The restoration of those areas of the quarry outside the red line application site
 - iv. The provision of compensation land for Great Crested Newts and the long term management of the compensation land

B) Compliance with the following conditions:-

The Certificate of Decision will not be released until the completion of the Section 106 Obligation, and on failure to complete the Obligation within 6 months of the date of resolution of the Committee, the application would be re-presented for consideration by Planning Committee against planning policies and considerations relevant at that time.

1. COMMENCEMENT

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. NOTIFICATION OF COMMENCEMENT/COMPLETION

The operator of the site shall notify the Mineral Planning Authority in writing within seven days of the dates of the following:

- i. implementation of this planning permission;
- ii. commencement of each phase permitted by this permission;
- iii. completion of each phase permitted by this permission;
- iv. completion of final restoration of the site.

3. DURATION

The recycling and importation operations shall cease within 6 months of the cessation of quarrying at the site and any stockpiles of waste material or recycled product shall be removed.

4. APPROVED DOCUMENTS

Except as otherwise required by conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the following approved documents and plans received by the Local Planning Authority on 2nd of June 2011 (unless otherwise stated):

- Application form
- Design and Access Statement, document reference number 2893/11 DAS Import
- Statement of need, document reference number 2893/11 Need
- Site Location Plan, drawing number 2893/21
- Site Plan, drawing number 2893/22, received by the Local Planning Authority on the 24th of October 2012.
- Site Access, drawing number 2893/28, received by the Local Planning Authority on the 24th of October 2012.
- Cross Sections Phases of Filling / Restoration, drawing number 2893/25.B
- Cross Sections Phases of Extraction / Processing, drawing number 2893/25.A
- Working Plan, drawing number 2893/23
- Restoration, Aftercare and Afteruse Plan Alternative Options, drawing number 2893/24.BC
- Restoration, Aftercare and Afteruse Plan Preferred Option, drawing number 2893/24.A
- Environmental Statement, reference number 2893/11/Import received by the Local Planning Authority on the 2nd of June 2011, as amended by chapter 13, received by the Local Planning Authority on the 24th of October 2012.
- Great Crested Newt Mitigation Principles, document reference number 2893/11 Revision A October 2012, received by the Local Planning Authority on the 24th of October 2012.
- Mitigation Proposals, drawing number 2893/29, received by the Local Planning Authority on the 24th of October 2012.
- Letter to the North Wales Minerals and waste Planning Service from the agent on behalf of the applicant, dated the 10th of October, received by the Local Planning Authority on the 24th of October 2012.

5. APPROVED WASTE TYPES

Nothing other than inert construction and demolition waste, subsoil and topsoil, or waste and other material arising from the quarrying of silica sand will be deposited/treated at the site.

6. HIGHWAYS

No development shall take place until full details of the proposed access including the exact location, detailed design, layout, construction, wheel wash facilities, visibility splays, landscaping and drainage are submitted to and approved in writing by the Local Planning Authority.

7. The access approved under condition 6 shall be implemented as approved. In relation to the carrying out of the works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, vehicle wheel washing facilities, hours and days of operation and the management and operation of construction vehicles, the works shall be carried out strictly in accordance with the approved details.

8. No vehicles associated with the importation of material and recycling operations shall be permitted to use the existing established quarry access, along the Eryrys Road.

9. Prior to the commencement of development full details of the alterations to footpath number 15 shall be submitted to, and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

10. No more than 50 heavy goods vehicles shall use the site in one working day.

11. Prior to the commencement of development a scheme of recycling works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the precise location of waste processing and waste storage areas prior to infilling the void. The scheme shall identify any bunds to be erected and sumps to be created. The scheme shall set out a programme of monitoring and any remedial actions to be taken should the activities cause a nuisance outside of the site. The scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved for the duration of the operations unless otherwise approved in writing by the Local Planning Authority.

12. Waste material shall be stored within the waste storage area, as defined within the 'scheme of works'. Stockpiles of material shall not exceed 5m in height and no more than 10,000 tonnes of inert waste or recycled product shall be stored on the site at any one time.

13. HOURS OF OPERATION

The hours of operation shall be limited to 07:00 hrs to 18:00hrs Monday - Friday and 07:00hrs - 13:00hrs Saturday for normal working. The occasional use of the D6 dozer (or equivalent) should be limited to 10:00hrs to 16:00hrs Monday - Friday only. There shall be no working at all on Sundays or Bank Holidays.

14. NOISE

The cumulative noise level from the site shall not exceed 55dBLAeq,1hr (freefield) when measured at any noise sensitive receptor unless otherwise agreed in writing by the local planning authority. Any works which will cause the noise limit of 55dBLAeq,1hr to be exceeded should be kept to a minimum and should be agreed in writing by the Local Planning Authority prior to commencement. Details of noise mitigation measures such as limiting the on-time of plant and machinery, erecting temporary bunding to act as a noise barrier and the rescheduling of works shall all be employed in order to minimise the noise levels as necessary.

15. DUST

Measures shall be taken to control dust and prevent it causing a nuisance beyond the site boundary. These shall include the following measures as stated in the Environmental Statement:

- o Phasing of the restoration works so as to minimise the extent of friable soil exposed at any one time, and seeding / planting completed areas at the earliest opportunity;
- o On-site vehicle speeds on loose-surfaced roads and surfaces shall not exceed 5mph;
- o The adoption of construction equipment designed to minimise dust generation, with vertical (upward) exhaust pipes;
- o Water spray dampening of materials to prevent dust blowing as necessary and especially during hot, dry weather conditions;
- o Sheeting of lorries used to transport graded products;
- o Minimising drop heights when loading or moving material;

- o Water spray dampening of mineral during the crushing and screening operations;
- o Observation of wind speed and direction, and suspending of those operations which unavoidably generate significant dust if there is risk of it blowing into nearby residential properties;
- o The operator will use a road sweeper if necessary to remove mud from the road before it becomes a source of dust.

16. BURNING

There shall be no burning of any materials on site.

17. LIGHTING

Only minimal security lighting shall be used outside the hours stated in condition 10. Details of lighting shall be submitted to, and approved in writing by the Local Planning Authority.

18. VIBRATION

Vibration levels at residential properties shall not exceed 1.0mm/s PPV, in accordance with BS 5228-2:2009.

19. RESTORATION

No development shall take place until a detailed phased restoration scheme has been submitted to, and approved in writing by, the Local Planning Authority for the following phases of the site:

- a. Phase 1;
- b. Phase 2.

The approved scheme shall show the transitional phases between the operational workings of the Phase 1 and Phase 2. The approved scheme shall identify measures to retain part of the quarry face exposed for future geological study and interest. The Site shall be restored in accordance with the approved scheme unless otherwise agreed in writing by the Minerals Planning Authority.

20. Prior to commencement of restoration in each of the subsequent remaining phases, as shown on approved plan 2893/23, a detailed phased restoration scheme for the phase to be commenced shall be submitted to, and approved in writing by the Local Planning Authority. The detailed phased restoration scheme shall include transitional phases between the phase about to be commenced and the subsequent phase. The restoration shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

21. Prior to completion of Phase 1, or within two years of the commencement of development, whichever is sooner, a review shall be submitted to the local planning authority identifying the volumes of waste recovered and moved off site, the volume of material used to fill the quarry void, which shall identify the volume of material arising from within the site and the volume of material imported to the site. The review shall identify progress made to date against the detailed phased restoration scheme permitted under condition 19 or condition 20, whichever is relevant, and identify any factors which may necessitate amendment to the approved restoration scheme. Following submission of the first review as specified above, reviews shall be undertaken and submitted on an annual basis and on the anniversary of the first review, unless otherwise agreed in writing by the Minerals Planning Authority.

22. In the event that a review, as required under condition 21, identifies minor changes are required or that a lesser landform is necessary, a revised detailed restoration scheme for the relevant phase shall be submitted to, and approved in writing by, the Local Planning Authority. The revised detailed restoration scheme shall be submitted to the Local Planning Authority within a timescale to be agreed by the Local Planning Authority and no later than 12 months from the date of the review. The site shall be restored in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

23. LIAISON COMMITTEE

Prior to commencement of development, or within twelve months from the date of this permission, whichever is sooner, a scheme to facilitate a liaison committee for Maes Y Droell shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include a list of potential members, suggested venue for the meeting, frequency and a mechanism for review. The scheme shall be implemented in full and the liaison committee shall meet as long as is requested by the members of the liaison committee.

24. DRAINAGE

Prior to commencement of the development details of the drainage scheme shall be submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved and maintained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

25. ECOLOGY

Prior to commencement of the development measures for the avoidance of disturbance / impact to Great Crested Newts shall be submitted to, and approved in writing by, the Local Planning Authority. The measures shall include clear principles and an outline of methods for each phase, covering exclusion fencing, trapping and relocation before work. Details of measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase. The scheme shall be implemented as approved and maintained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

26. Prior to commencement of the development a site procedure shall be submitted for the management of mitigation measures during the working phases of the site. The procedure shall include matters such as checking exclusion fencing, briefing personnel and recording to ensure that procedures are being adhered to. The scheme shall be implemented as approved and maintained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

27. Prior to the commencement of development a 5 year rolling aftercare and management programme shall be submitted to and approved in writing by the Local Planning Authority and reviewed annually. The programme shall include:

- Monitoring of water levels and vegetation within and around water bodies;
- Introduction of aquatic vegetation if found necessary;
- Control of undesirable aquatic vegetation if found necessary;
- Details of the grass management programme, fertiliser applications, planned grazing regime;
- Details of tree and shrub replacement, maintenance of stakes and protection;
- A programme of weed control around young trees; and
- Need for fertiliser applications in planted areas.

The management programme shall be implemented as approved and maintained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

28. Prior to commencement of the development, a Technical Monitoring Group shall be established. The Technical Monitoring Group shall be made up of representatives from the Local Planning Authority, Countryside Council for Wales, Environment Agency Wales, the operator and specialist consultant who shall meet on an annual basis, unless otherwise agreed in writing by the Local Planning Authority, to review the work undertaken to date, review the condition of habitats and identify any future work for the coming year. A report shall be submitted at each meeting which shall include the measures proposed within section 3.3 of the approved Great Crested Newt mitigation principles, document reference number 2893/11.

29. Prior to commencement of the development details of a compliance audit scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall show arrangements for third party checking of mitigation measures, staff inductions, monitoring and checking have been implemented and are being maintained. Audits shall be undertaken on a 6-monthly basis unless otherwise agreed in writing by the Local Planning Authority and reported to the Local Planning Authority for approval.

30. The mitigation measures proposed within Section 8.8 of the Environmental Statement shall be followed. For the avoidance of doubt, these shall include:

- i. The creation of rubble piles, suitable as hibernation sites for amphibian and reptile species, in areas near the bridlepath and newly created ponds;
- ii. Creation of areas of wildflower grassland, to include plant species appropriate to the species of butterfly recorded in the locality;
- iii. Planting of areas of broadleaf woodland and hedgerow, to increase habitat

connectivity through the site and provide additional bat foraging habitat;

iv. Creation of an area of heather mosaic habitat at the southern end of the quarry, on a south-facing slope. Creation of rocky outcrops and bare sand areas as suitable basking sites for reptile species.

v. Any tree or scrub clearance shall be undertaken outside the bird nesting season which runs from April to September inclusive, or, where this period is unavoidable, an experienced ornithologist shall survey the area to be cleared prior to works. Should nesting birds be discovered, works shall be postponed until the young have fledged;

vi. Any new lighting within the site shall comprise high-pressure sodium (SON) lamps, fitted with shields;

vii. Individual lights shall be limited to the brightness equivalent of a 150W unit, and installing several lights if a large area is required to be lit;

viii. Passive sensors shall be used to switch lights in and off only as required;

ix. Lighting shall be directed away from any wooded areas or hedgerows;

x. Steep sided excavations shall be covered at night or a slope provided for the escape of badgers. Any other pitfall hazards such as manholes or chambers shall be covered.

31. POLLUTION

The mitigation measures proposed within Section 4 of the Environmental Statement shall be followed. For the avoidance of doubt, these shall include:

i. The storage of plant and maintenance equipment within sheds when not in use;

ii. Effective pollution control equipment shall be kept on site, including 'spill kits';

iii. All fuel shall be stored in bunded tanks, designed to retain 110% of the nominal fuel capacity;

iv. Refuelling shall take place on hardstandings with a sealed drainage system;

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. To enable the Minerals Planning Authority to control this development and to monitor the site to ensure compliance with the planning permission, for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved document.

3. For the avoidance of doubt and to ensure that the works are reasonably necessary to achieve the restoration of the site and to prevent the operation continuing once mineral workings have ceased to minimise the impact on the AONB and amenity of the local area, in accordance with policies GEN 6, ENV 2, MEW 5 and MEW 11.

4. For the avoidance of doubt and to ensure that the proposal fully complies with the relevant policies and standards.

5. To regulate the use of land and in the interests of the amenity of the area, in accordance with policies GEN6 and MEW 11 of the UDP.

6. To ensure the formation of a safe and satisfactory access in the interests of highway safety, in accordance with policies TRA6 of the UDP.

7. In the interests of highway safety, in accordance with policy TRA 6 of the UDP.

8. In the interests of highway safety, in accordance with policy TRA 6 of the UDP.

9. In the interest of the safety of users of the footpath, in accordance with policy TRA 10.

10. In the interest of the amenity of the surrounding area, in accordance with policy GEN 6 and MEW 11 of the UDP.

11. For the avoidance of doubt and in the interests of the amenity of the local area, in accordance with policies GEN 6, ENP1, and MEW11 of the UDP.

12. In the interest of the visual amenity of the area and to minimise the impact of the development on the AONB, in accordance with policies GEN 6, ENV2 and MEW 11 of the UDP.

13. In the interests of the amenity of the local area, in accordance with policies GEN 6 and MEW 11 of the UDP.

14. In the interests of residential amenity, in accordance with policies GEN 6 and MEW 11 of the UDP.

15. For the avoidance of doubt, and in the interests of residential amenity, in accordance with policies GEN 6, ENP 1 and MEW 11 of the UDP.

16. In the interests of the amenity of the local area, in accordance with policies GEN 6,

ENP1 and MEW 11 of the UDP.

17. In the interests of residential and visual amenity of the area, in accordance with policies GEN 6, ENP1 and MEW 11 of the UDP.
18. For the avoidance of doubt, and in the interests of residential amenity, in accordance with policies GEN 6, ENP 1, and MEW 11 of the UDP.
19. To ensure the satisfactory restoration of the site and in the geological interest of the area, in accordance with policies MEW 5 and MEW 11 of the UDP.
20. To ensure the satisfactory and timely restoration of the site, in accordance with policy MEW 5 of the UDP.
21. To ensure the satisfactory and timely restoration of the site, in accordance with policy MEW 5 of the UDP.
22. To ensure the satisfactory and timely restoration of the site, in accordance with policy MEW 5 of the UDP.
23. To ensure the local community are fully engaged and informed of activities associated with this planning permission, to assist in neighbour and operator relations, and in the interest of local residential amenity and to comply with Policies GEN 6 and MEW 11 of the UDP.
24. To prevent surface water flooding, in accordance with policies ENP 4 and ENP 6 of the UDP.
25. To prevent harm or injury to Great Crested Newts, in accordance with policy ENV 6 of the UDP.
26. To prevent harm or injury to Great Crested Newts, in accordance with policy ENV 6 of the UDP.
27. To maintain and enhance the favourable status of the population of Great Crested Newts, in accordance with Policy ENV 6 of the UDP.
28. To monitor and where necessary identify and update the restoration and management schemes in the interests of the protection of Great Crested Newts, in line with policy ENV 6 of the UDP.
29. To prevent harm or injury to Great Crested Newts, in accordance with policy ENV 6 of the UDP.
30. To protect the natural environment, including protected species, in accordance with policies GEN 6 and ENV 6 of the UDP.
31. In the interests of the amenity of the local area, in accordance with policies GEN 6 and MEW 11 of the UDP.

NOTES TO APPLICANT:

Any crushers used on site shall be suitably permitted.

APPENDIX 3

Summary of advice from the Council's Highways Consultant

"I would stress that I have only looked at the highways and traffic points and would therefore defer to the views of both your Authority and Paul Tucker QC as to the weight my points are likely to have either standing alone or as part of your wider case. My findings are as follows:

The applicant has not provided a plan showing the proposed site access. A plan which did show a previous site access proposal was provided, but a few weeks before the application went to Committee, the applicant proposed to move the access 10-15m to the west and as far as I can tell, did not provide a plan. A key issue in the application was the ability to deliver adequate lateral visibility and I have subsequently seen the issue of light intrusion and have identified the impact of the proposed access on public rights of way as a further issue. Unless from a planning perspective you could approve the application subject to receiving and approving an access plan later, my view is that the proper consideration of those issues must surely require an accurate plan and such a plan was not provided. Whilst I consider that the Authority was therefore correct in stating that there was a lack of information, I also consider that the client could very quickly provide an access plan illustrating the latest proposal and that that proposal would comply in terms of providing adequate lateral visibility. That said the client has not evaluated the environmental impact on the residential property opposite the latest proposed access, nor have they evaluated the impact on the public rights of way.

In relation to highway capacity and road safety, there is no history of road traffic accidents near the site and the proposed development traffic, whilst a significant percentage increase to existing levels, would fall well below the overall capacity of the local highway network. I do not consider that there are highway capacity or road safety issues here other than the client being able to demonstrate that adequate site access visibility can be provided, which, I consider, ultimately it can.

In terms of whether the application has been accurately assessed or misleading I consider that the volume of trips promoted through the ES underestimates the likely volume of trips which could potentially occur. Whilst the submitted supporting information arguably underestimates impacts, I do not believe that impact on road safety or capacity would have been found to be unacceptable, had the correct figures been used."

The consultant also advised that the impact of the proposal on the Public Right of Way could be a very significant problem but is not highlighted as a reason for refusal.