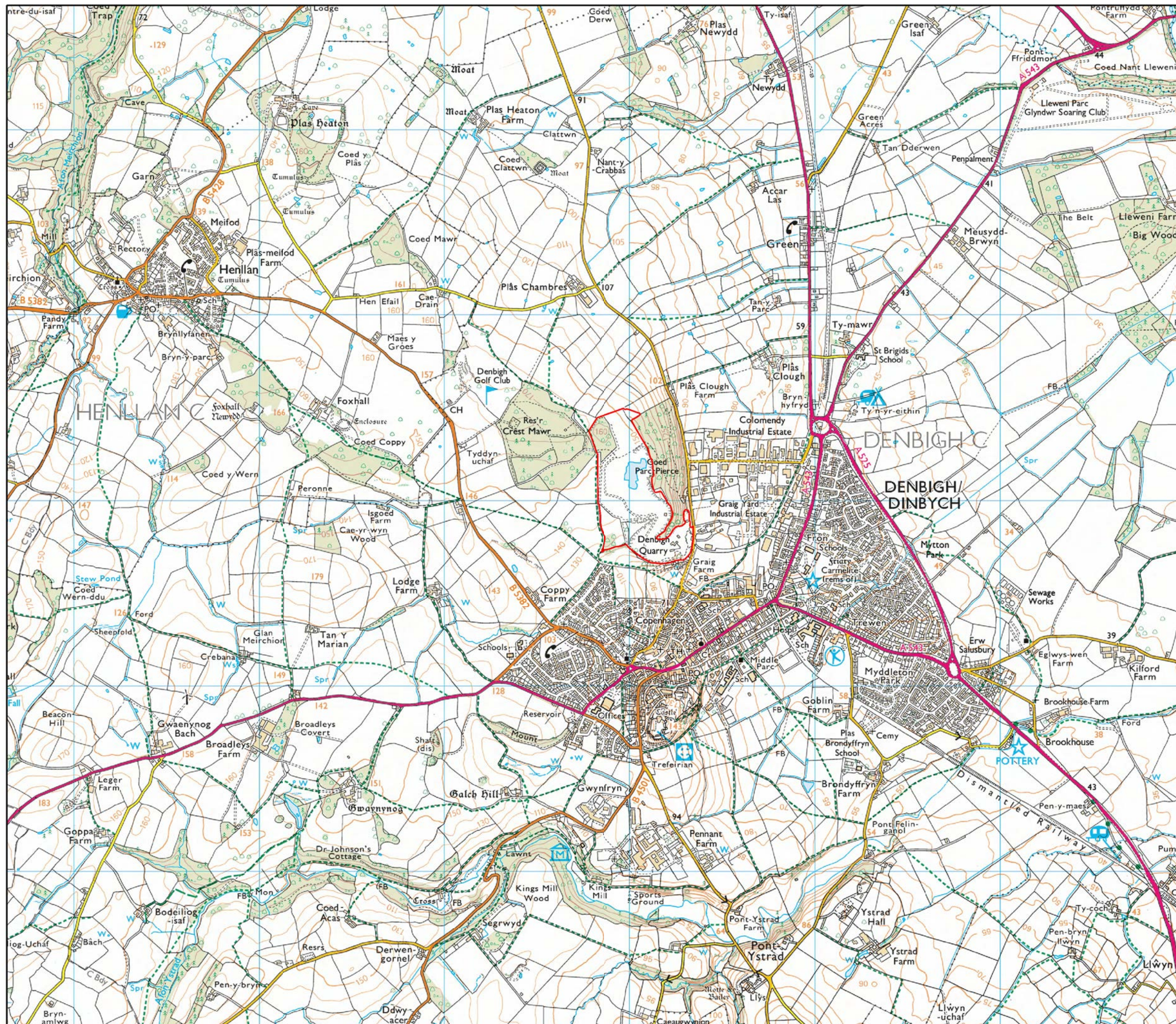




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Legend

	Application Boundary - Extent of Planning
	Permission 01/2009/1424/PS



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DRAWING STATUS

PROJECT
Denbigh Quarry

CLIENT
Breedon Southern Ltd

TITLE
Location Plan - Section 73

DATE
August 2019

SCALE
1:20,000 @A3

DRAWN
TLP

CHECKED
RH

DRAW NO.
M18.155.D.011

PleydellSmithyman

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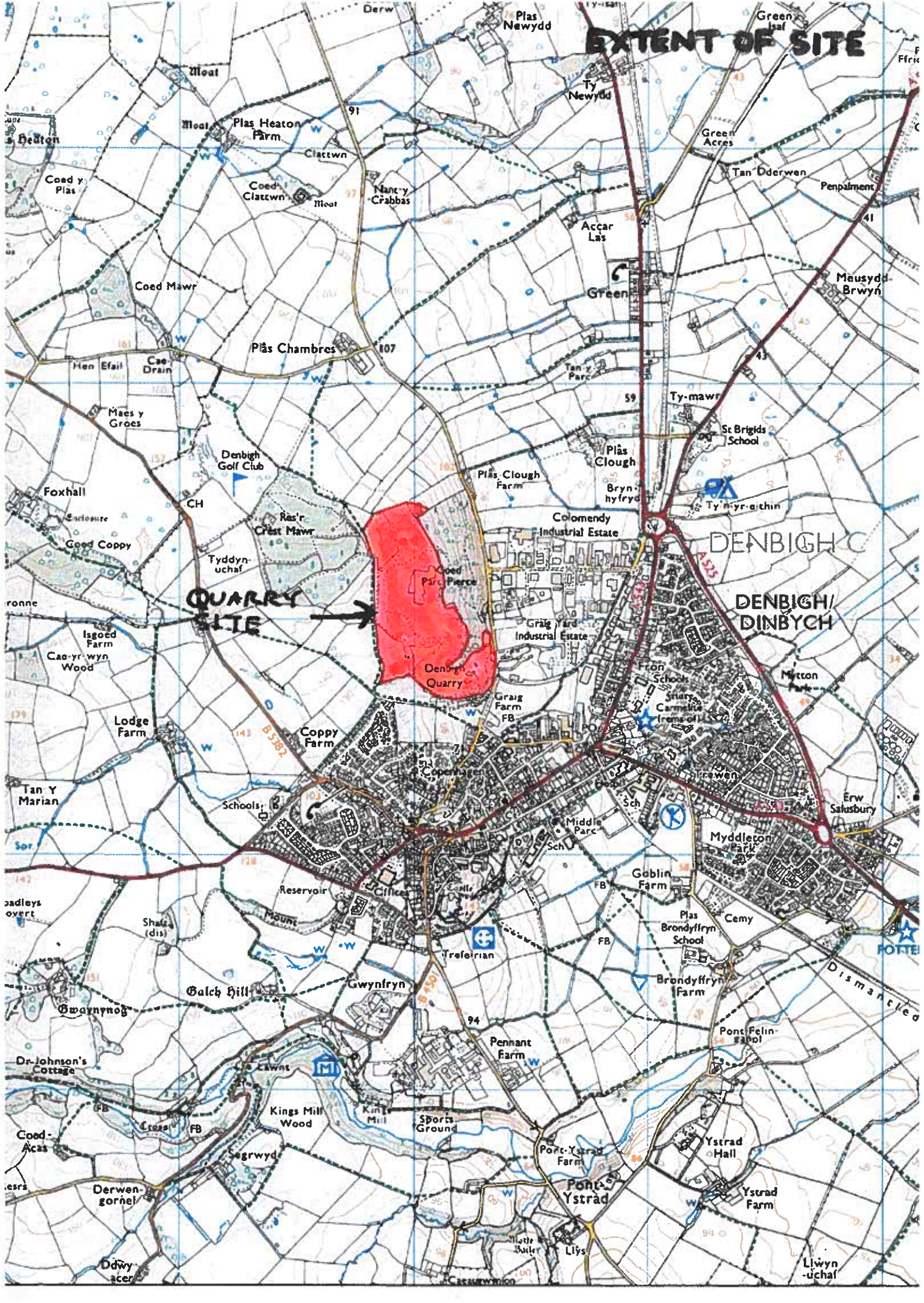
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EXTENT OF SITE



WARD : Denbigh Upper / Henllan

WARD MEMBERS: Councillors Gwyneth Kensler (c), Geraint Lloyd-Williams, and Glenn Swingle

APPLICATION NO: 01/2019/0757/ PS

PROPOSAL: Variation of condition 1 of planning permission 01/2009/1424/PS to allow continuation of extraction of permitted reserves

LOCATION: Graig Quarry, Graig Road, Denbigh, LL16 5US
(Also known as Denbigh Quarry)

APPLICANT: J Davies, Breedon Southern Limited

CONSTRAINTS: Tree Preservation Order
SSSI (Crest Mawr Woodland)
SSSI (Graig Quarry)
PROW Ancient, Semi Natural Woodland
Existing Section 106 agreement

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

REASON APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL:

“... raise no objections to the application. The town councillors would like it noted that the health and safety of local residents needs to be taken into consideration. There are currently 6 staff members (staff and drivers) – will there be more employment should the extension be granted?”.

NATURAL RESOURCES WALES:

No objections.

DWR CYMRU / WELSH WATER:

No comments. Request that any drainage related conditions are maintained on any new consent granted for the development.

CLWYD POWYS ARCHAEOLOGICAL TRUST:

Confirm that the variation of condition no.1 does not relate to an archaeological condition and have no comment on this variation.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer:

No objection

Pollution Control Officer:

No objection subject to the existing conditions being applied to any new development consent to protect the amenity of neighbouring residential properties.

Ecologist:

No objection.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Dr C Sirianni and Dr C Beaton, 111 Bryn Seion, Denbigh

Mr Huw Davies, 17 Bryn Onnon

Mr K Needham, 22 Accar-y-Forwyn

Mr Hind, Plas Clough Farm

Mr David Lloyd, 22 Cysgod-y-Graig

Mr Mazhar Iqbal, Plas Clough Barn

Summary of planning based representations in objection:

Residential amenity impact

- The negative impact on the health and wellbeing of the neighbouring population and their quality of life
- Reduced lifespan of local residents due to chronic inhalation of dust emitted from the quarry
- Increased noise and dust
- The quarry is too close to residential properties and too close to Denbigh
- Effect of blasting on neighbouring property
- Potential structural damage to the surrounding properties from blasting at the quarry and concerns about structural safety

Highway impact

- Loss of public rights of way
- Impact on the local highway network and its capacity to accommodate quarry vehicles

Ecological / wildlife impact

- The environmental impact on Crest Mawr Wood (Site of Special Scientific Interest) and its species from vibration, noise, dust, human activity and industrial machines
- Impact on nature conservation due to the loss of habitat
- Loss of topsoil and vegetation

Other matters

- Geological effects that could threaten the water supply of local wells

EXPIRY DATE OF APPLICATION: 04/11/2019

EXTENSION OF TIME AGREED: 18/12/2019 to allow for committee resolution

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- awaiting consideration by Committee
- Section 106 agreement required

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission to extend the consented period for the extraction of limestone from Denbigh Quarry.
- 1.1.2 The extant planning permission expires on 14th March 2020. Should planning permission not be granted, the remaining consented reserves in the quarry will be sterilised.
- 1.1.3 The application is made by Breedon Southern Ltd ('Breedon') under Section 73 of the Town and Country Planning Act 1990 to vary condition no.1 of planning permission

01/2009/1424/PS to allow the remaining reserves to be extracted over a longer period until 31 August 2028.

- 1.1.4 The quarry has remaining consented reserves of approximately 1 million tonnes of limestone aggregate.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is accompanied by a Planning Statement which provides background information on the need to extend the life of the quarry. Existing extraction rates are in the region of 200,000 tonnes per annum, which is unlikely to change in the future.
- 1.2.2 The site is subject to a section 106 legal agreement dated 27 October 1992 which protects land adjacent to the quarry from development, and also provides for management of Tŷ Crest Wood; a small woodland not included within the Crest Mawr SSSI and a management plan is required to be undertaken every five years. Should planning permission be granted, the legal agreement would be required to be varied prior to a development consent being issued.
- 1.2.3 The applicant has commenced pre-application consultation on a separate proposal for a physical lateral extension to the west of the existing quarry void, and to consolidate the existing consent. For the avoidance of any doubt, the application presented to the Committee now is **not** for the physical lateral extension; it is purely as described above, for an extension of time to preserve the existing consent which will expire in March 2020.

1.3 Description of site and surroundings

- 1.3.1 Denbigh is an active limestone quarry, located to the north of the town of Denbigh.
- 1.3.2 The permitted site comprises approximately 28 hectares of land.
- 1.3.3 To the north, west and south, the contiguous land is rural, predominantly agricultural fields and woodland comprising pasture and a mix of ancient and more recent woodland. Crest Mawr Wood to the north west of the Quarry is a Site of Special Scientific Interest (SSSI) and another SSSI (Graig Quarry) is situated 150m to the southeast. The existing quarry is, itself, bounded on the east by Graig Road, with the Colomendy Industrial Estate further to the east.
- 1.3.4 The quarry is accessed off Graig Road via a purpose-built access road. To the south of the quarry entrance lies a concrete batching plant, operated by Hanson. This is subject to a separate planning permission and therefore is not included within this application.
- 1.3.5 The closest residential dwellings are located to the south of the quarry over 200 metres away from the quarry boundary.
- 1.3.6 There are a number of public rights of way that surround the site.

1.4 Relevant planning constraints/considerations

- 1.4.1 The quarry is located within the Mineral Safeguarded Area (PSE15) and adjacent to, but outside the development boundary of Denbigh as shown in the adopted Denbighshire Local Development Plan.

1.5 Relevant planning history

- 1.5.1 The quarry has a long history of quarrying activity, as it is understood it has been in existence for several hundred years.
- 1.5.2 Planning controls were first introduced in 1948.
- 1.5.3 The most recent planning permission, reference 01/2009/1424/PS was granted on 15th March 2010 and allowed a further ten years to extract the remaining permitted

reserves granted previously in October 1992 under planning reference 5/11355, which involved the extension to, and restoration of the quarry.

1.6 Developments/changes since the original submission

1.6.1 As noted above, planning permission was granted under 01/2009/1424/PS in March 2010 to vary the time limiting condition to allow additional time to work the remaining permitted reserves. At this point in 2010, the remaining reserves were in the region of 1.25 million tonnes. The former operators Hanson did not operate the quarry to its full capacity. Breedon have recently acquired the site and are now actively working the quarry.

1.6.2 There still remains 1 million tonnes of permitted reserves within the quarry.

1.7 Other relevant background information

1.7.1 The Local Planning Authority has issued a Scoping Opinion in relation to the submission of information with an application for a lateral extension to release a further 5.4 million tonnes of mineral resources. As mentioned in section 1.3.3, the application in front of the Committee does not involve the lateral extension, simply the extension of the time period to extract from the consented site.

2. **DETAILS OF PLANNING HISTORY:**

2.1 Reference 01/2009/1424/PS: Variation of condition no.2 of planning permission code no. 5/11355 to allow a further 10 year period for the completion of minerals operation GRANTED under delegated powers on 15.03.2019

2.2 Reference 5/11355: Extension to and restoration of the quarry GRANTED on 23.10.1992

2.3 Reference 2/1385: An extension to the quarry GRANTED on 18.02.1975

2.4 Reference 2/517: An extension to the quarry GRANTED on 23.01.1962

2.5 Reference 2/67: Working of Limestone GRANTED on 30.04.1948

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 RD1 – Sustainable development and good standard design
- Policy PSE15 – Safeguarding minerals
- Policy PSE16 – Mineral buffer zones
- Policy PSE17 – Future mineral extraction
- Policy VOE1 – Key areas of importance
- Policy VOE5 – Conservation of natural resources

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018
Development Control Manual November 2016

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)
TAN 11 Noise (1997)
TAN 18 Transport (2007)

Mineral Technical Advice Note 1 (MTAN 1): Aggregates (2004)
Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings (1993)
Minerals Planning Guidance Note 14: Review of mineral planning Permissions (1995)

3.3 Other material considerations

Regional Technical Statement first review (2014)

Regional Technical Statement Second Review (Draft consultation document) (2019)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further states that material considerations 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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 Need for aggregate
- 4.1.3 Need to vary Condition No.1 and to extend the life of the quarry
- 4.1.4 Landscape and Visual amenity
- 4.1.5 Residential Amenity; Blasting
- 4.1.6 Residential Amenity; Noise, Air quality and dust
- 4.1.7 Ecology
- 4.1.8 Highways (including access and parking)
- 4.1.9 Economic
- 4.1.10 Archaeology
- 4.1.11 Hydrology and Hydrogeology
- 4.1.12 Environmental Assessment

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extracting limestone at this site has been established through the historical working of minerals, and through planning permissions, first granted in 1948.

Subsequent to 1948, planning permissions have been granted, as detailed above, accepting that mineral extraction at this site is an appropriate and established land use. Furthermore, mineral extraction can only take place where the mineral is found to occur.

The quarry site is also located close to strategic and regional road networks.

4.2.2 Need for aggregate

Minerals Technical Advice Note 1: Aggregates states that it is essential to the economic and social well-being of the country that the construction industry is provided with an adequate supply of the materials it needs, but not to the unacceptable detriment of the environment or amenity.

Due to its location, it is considered that Denbigh Quarry has a key strategic role in limestone product supply. The proposal does not seek to access any additional

reserves, but seeks approval to extend the life of the consent so that those permitted reserves can be extracted. The permitted reserves at the site contribute to the site's landbank and the regional apportionment figure in which the calculations within the Regional Technical Statement are based for the region's managed aggregate system.

4.2.3 Need to vary Condition No.1 and to extend the life of the quarry

The 2010 permission reference 01/2009/1424/PS imposed a requirement that the extraction of limestone, the removal of plant and the restoration of the site shall have been completed by 14th March 2020, based upon assumptions at the time regarding reserves and future rates of output. However, the former operator mothballed the quarry for a number of years, resulting in periods of no mineral extraction at the site. That, together with a general down turn in the minerals industry over subsequent years following the 2008 financial crisis, has resulted in 1 million tonnes of remaining permitted reserves within the site which will not have been extracted by its end date. If the condition is not varied to extend the end date, the currently permitted reserves would be sterilised.

The period of time that is being suggested in the replacement condition to extend the life is until 31st August 2028, and would allow for extraction at current rates (of 200,000 tonnes per annum) with a small contingency period, the processing of all won mineral (prior to the removal of plant) and the implementation and completion of the approved restoration scheme.

4.2.4 Landscape and Visual amenity

Local Development Plan Policy RD 1 test(vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

Quarry operations at Graig/Denbigh Quarry are largely invisible from locations outside the confines of the quarry as the existing screening bunds and planting are mature and effective. In relation to landscape and visual impact, the proposed extension of time would not materially affect the impact of the quarrying activities beyond that which has already been assessed and deemed acceptable by mitigation. There would be no physical changes or extension of the area of extraction. Therefore, no further assessment of the landscape or visual impact of the quarry has been required. Mitigation would be imposed by condition as per the existing consent regarding grassland and woodland management, progressive restoration, aftercare and management.

The extension of time to carry out extraction would not materially affect the approved quarry development and details of the restoration scheme. It would simply delay the restoration of the site. All restoration and aftercare conditions remain relevant and up to date and would be unchanged, should planning permission be granted. As such, it is considered that the proposal would accord with the provisions of Policy RD1 of the adopted Denbighshire Development Plan.

4.2.5 Residential Amenity; Blasting

Local Development Plan Policy RD 1 test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned,

and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Residents have raised concerns in relation to the extension of time application regarding the damage and stress on their property, which they feel is as a result of blasting at the quarry.

Since 2016, (when the current operators recommenced working at Graig/Denbigh Quarry) the Mineral Planning Authority have only received complaints from six residents, amounting to 12 complaints in relation to blasting. As a result, the North Wales Planning Service has undertaken blast monitoring. Furthermore, every blast is monitored by the blasting company on behalf of Breedon. The monitoring data confirms that in all instances, the recorded ground vibration recorded at properties in Bryn Seion and/or Accar-y-Forwyn located to the south of the quarry has been below the conditional limit of 6mm/s peak particle velocity (ppv) at a 95% confidence limit.

National Planning Policy for aggregates is set out in MTAN 1 and recommends a blast limit of 6mm/s ppv. Should planning permission be granted, this limit of 6mm/s ppv would continue to be imposed. Therefore, the current conditional limit of 6mm/s ppv proposed is in line with recommendations set at a national level, and also accords with the provisions of Policy PSE17 of the adopted Denbighshire Local Development Plan which requires suitable blast controls to be implemented.

The last complaint received by the North Wales Planning Service in relation to quarrying activities at Graig/Denbigh Quarry was April 2019. The North Wales Minerals and Waste Planning Service continue to actively undertake blast monitoring which may have resulted in fewer complaints. All complaints have been received when the blast occurred in the south of the quarry. It is understood that there will only be one small blast in that part of the quarry. Following that, all blasting will occur in the north of the quarry. When the operator has blasted in the north of the quarry, no complaints have been received.

The blast monitoring data demonstrates that the quarry is operating in accordance with the blast limits set and imposed by the existing planning permission which would be transposed to any new development consent, should planning permission be granted. Any future complaints which may have been received by the Local Planning Authority, the North Wales Minerals and Waste Planning Service, or direct to the Quarry would be investigated at the time they are received and action taken accordingly.

The effect of blasting at the quarry felt by local residents is from the blast causing ground vibration and what is known as air overpressure. Whilst all blasting operations undertaken by the quarry would be designed to minimise air overpressure, so far as is reasonably practicable, there are a number of factors outside of the control of the quarry which mean that predicting air overpressure levels are very difficult. As air overpressure is transmitted through the atmosphere, weather conditions such as wind speed and direction, cloud cover and humidity will all affect the intensity of the impact. Due to this unpredictability, planning conditions to control air overpressure are not considered to be enforceable. However, the results from monitoring undertaken by the quarry demonstrates that air overpressure at sensitive receptors has been an average of 109 dB, indicating that air overpressure from blasting at the quarry is unlikely to cause complaint in accordance with the suggested 120 dB outlined in British Standard 6472 "Guide to evaluation of human exposure to vibration in buildings". Air overpressure can cause physical damage to properties at high level, this is typically at levels between 140 dB and 150 dB which is well above what is experienced at properties as a result of blasting at Graig/Denbigh Quarry.

MTAN1 draws upon advice set out in British Standard 7385 Part 2, 1993 Evaluation and Measurement for Vibration in Buildings entitled "Guide to Damage Levels from Ground Borne Vibration in Buildings". The guidance sets out vibration limits to preclude the onset of damage to the types of structures encountered around quarries, including residential properties. It recognises that there is a major difference between the relatively low levels of vibration that are perceptible to people, and the far greater levels at which the onset of damage is possible. The guidance sets out the lowest vibration levels above which damage has been credibly demonstrated. Cosmetic damage, or hairline cracks in plaster or mortar joints, should not occur at vibration levels lower than 20mm/s ppv at a frequency of 15Hz and lower than 50mm/s ppv at 40Hz and above. This is significantly higher compared to the 6mm/s ppv limit which is set at Graig/Denbigh Quarry. From the past two years, monitoring data provided by the Quarry, and from our own monitoring, the highest reading was measured at 5.207 mm/s ppv.

Further research has been undertaken by the United States Bureau of Mines which concluded that no damage to buildings has occurred in any of the published data at vibration levels less than 12.7mm/s ppv; again significantly higher than the levels set at Graigh/Denbigh Quarry, and that experienced from the blasting measurements provided.

To put the blasting data into perspective with by comparing this with everyday events which produce vibration; measurements taken at 1m from someone walking on a wooden floor gives a max ppv of 2.3mm/s ppv, a door slamming measured at 1m away on wooden floors gives a ppv of 5.3mm/s ppv and a foot stamp on a wooden floor measured at 1m away gives a ppv of 52.7mm/s and when measured at 6m away it diminishes to 5.6mm/s ppv.

The quarry company continually seeks to minimise blast vibration and air overpressure through blast design, and there is no evidence to prove that a continued ppv levels of 6mm/s can cause damage to properties. In the interests of local amenity, the quarry company try to blast on Tuesdays. Precise timing can be delayed by operational issues and weather conditions.

The applicant has committed to undertaking a pre-blasting notification process which seeks to remove the element of uncertainty from blasting events and may, consequently reduce the reaction to those events and reduce the complaint received. The Quarry Company could improve communication with regards to blasting through their Quarry Liaison Committee as has been effective at other quarries in the region.

4.2.6 Residential Amenity; Noise, Air quality and dust

As a result of the public consultation on the planning application, residents have raised concerns in relation to increased noise and dust that would be emitted from the quarry. However there have been no formal complaints received by the Local Authority, the Minerals and Waste Planning Service, or the Quarry in regard to noise levels arising from operations within the site.

A noise assessment was carried out as part of the 2009 Environmental Statement which concluded that the noise contribution from the quarry would not increase the noise at sensitive properties. The time extension would not materially affect the way in which the quarry operates. The extant permission contains noise conditions which impose noise limits which would be imposed should planning permission be granted to ensure that residential amenity is protected and noise is controlled.

Similarly, there have been no complaints received by the Local Authority, the Minerals and Waste Planning Service, or the Quarry in regard to dust generated by any of the operations at the quarry. The company carries out all of the dust emission mitigation. This includes the use of a dust suppression bowser that is employed if there is a need to control dust such as in dry weather conditions, the use of a road sweeper that sweeps the quarry access roads and the adjacent public highway three

days a week and as required such as during dry weather periods to further ensure that mud and debris is not tracked on to the highway, and where it occurs to remove from the highway. However, the site is being worked using mobile plant, including a crusher. The approved dust scheme relates to the working of the site using fixed plant and therefore is not considered relevant. Should planning permission be granted, a condition would be imposed to require the submission of an updated dust mitigation scheme. Speed limits are also enforced on site. There is a sheeting bay located on the quarry access road that allows all loaded haulage vehicles to sheet the load before leaving the Site.

The proposed extension of time would not materially affect the noise and dust output of the quarry operations as they would remain the same. Should planning permission be granted, the noise limits and dust control conditions would be transposed on any new permission and a new scheme of dust mitigation would be required by condition. As such, it is considered that the proposal accords with the provisions of Policy PSE 17 of the adopted Denbighshire Local Development Plan. Residents have also stated in their representations that the quarry should not be permitted to extend the life as the site is too close to the town of Denbigh. The nearest residential property is located more than 200 metres from the quarry boundary and therefore outside the recommended buffer zone for hard rock quarries as stated within MTAN 1.

4.2.7 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

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 6.4), 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. Planning Policy Wales also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Concerns have been raised by local residents that the proposal would have a detrimental and negative environmental impact on Crest Mawr Wood (Site of Special Scientific Interest) and its species from vibration, noise, dust, human activity and industrial machines, and a negative impact on nature conservation due to the loss of habitat.

It is to be emphasised that the boundary of the quarry, as previously consented would remain the same. Therefore, there would be no loss of habitat as a result of this extension of time application as there would be no physical extension of the quarry.

The most notable ecological aspect of the site is the proximity of the SSSI's at Graig Quarry and Crest Mawr, which are connected by planted broadleaved woodland blocks. These would remain untouched by the quarry development as the quarry has reached its maximum lateral extent. Conditions in relation to dust mitigation would

ensure that dust generated from the operations of the quarry would be controlled and mitigated to ensure that they do not leave the site and enter the SSSI's. A deed of variation of the existing section 106 agreement should be entered into to ensure the continued management of the adjacent Tŷ Crest woodland and protection of Graig Quarry SSSI and Coed Parc Pierce. No adverse impacts are expected as a result of the proposed extension of time to complete the quarrying operations. The County Ecologist has been consulted on the planning applicant and does not object to the proposal. As such, it is considered that the proposal accords with Policies RD1, VOE 1 and VOE 5 of the adopted Denbighshire Local Development Plan.

4.2.8 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network. The policy reflects general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Local residents have raised concerns that the extension of time would impact on the local highway network and its capacity to accommodate quarry vehicles. However, Denbighshire's Highways Officer does not object to the application. There are no changes, or proposed changes to the operation of the quarry since the 2010 consent was issued, and no operational concerns have been raised in relation to the highway network.

The output rate of the quarry would remain unchanged at 200,000 tonnes per annum. The current consent restricts output at 500,000 tonnes per annum by condition no.5 and therefore the quarry currently operates well below the permitted extraction rate. The proposal effectively represents a continuation of current activities and operations as the proposed hours of operation, method of transport, main site access and types of vehicles used would not materially change. Therefore, there would be no significant changes in terms of vehicular activity associated with the quarry when compared with current and ongoing operations. As such, it is considered that the proposal accords with the provisions of Policies RD1 and PSE17 of the adopted Denbighshire Local Development Plan.

4.2.9 Economic

The direct employees at the quarry are currently six. Should the planning application be approved this would increase to an additional two or three. The indirect full time equivalent jobs proposed, is just over two.

Allowing the extension of time would mean that the current level of employment would continue for a further period of approximately 6 years and the aggregate materials from this site would contribute to a competitive mineral supply in the local area. Should the extension of time not be granted, a reserve of sustainably accessible mineral, that provides an employment and economic benefit to the area, would be sterilised.

4.2.10 Archaeology

Policy VOE 1 of the Local Development Plan seeks to protect areas of archaeological and historic importance from development which would adversely affect them, reflecting general advice in Planning Policy Wales (Section 6.1.23 - 29) which sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to conservation of remains and their settings where relevant.

Archaeological investigations, comprising a field survey and desk based research work were undertaken as part of the planning application resulting in the 1992 planning permission. No items of archaeological interest were found. As all soils have

been stripped from the working area, with no archaeological finds recorded, there would be no impact on archaeological remains due to the proposed continuation of quarrying operations. Clwyd and Powys Archaeological Trust raise no objections to the proposal.

4.2.11 Hydrology and Hydrogeology

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. Drainage and liability to flooding should therefore be regarded as potential material considerations.

Concerns have been raised by local residents in relation to the impact of the quarry on the water environment.

The top two benches of the quarry operate above the natural water table. The sub-water table mineral is exhausted. De-watering will only be necessary to work the lower bench of the quarry, in the final phase of extraction. In order to de-water from the site and subsequently discharge, the company will need to obtain the correct licence from Natural Resources Wales. Controls provided by the discharge licence are to ensure that there are no adverse impacts should arise from the de-watering of the quarry workings, and will ensure that the water environment is protected.

4.2.12 Environmental Assessment

The application was screened negatively on 22 October 2019 in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (i.e. the application was not considered to be Environmental Impact Assessment requiring the submission of an Environmental Statement).

The Screening Opinion was based on the proposed change which would comprise an extension of time of operations. The screening opinion concluded that the change associated with the extended duration proposed would not in itself give rise to significant environmental effects which would require consideration as part of an Environmental Statement.

The existing environmental effects of the quarry are already understood, and have been considered as part of the 2010 development consent which was accompanied by an Environmental Statement. The operations of the quarry are regulated and mitigated by the existing schedule of planning conditions which would be imposed should planning permission be granted.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the

Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The environmental effects of the ongoing operations at Graig/Denbigh Quarry were comprehensively assessed in the 2009 Environmental Statement which accompanied the previous application, with detailed studies of landscape and visual effects, ecology, soil resources, archaeology and cultural heritage, hydrology and hydrogeology, traffic and transport, noise, blast vibration and geotechnics, air quality and dust. The recommendations of these studies informed the preparation of a comprehensive schedule of 33 planning conditions which were imposed on planning permission reference 01/2009/1424/PS. These conditions include detailed controls on the phased working scheme, hours of working, dust, blast vibration, noise, vehicle cleaning, ground and surface water management, archaeology, soil stripping and storage, management of perimeter woodland, grassland monitoring, and restoration and aftercare.
- 5.2 The planning conditions reflect best practice modern regulatory controls, which are proven to work effectively. No changes are proposed to the working scheme or to any of the existing controls which regulate the operation. The controls are regularly monitored by the Minerals Planning Authority and the company are operating the quarry in accordance with the planning conditions. The proposed change is confined to the end date of the quarrying operations. The only impact of the proposed extension of time would be a continuation of the existing mitigated effects, over a longer duration, and a delayed final restoration.
- 5.3 The proposed end date of 31 August 2028 has been calculated using the current output rates of the quarry, and the remaining 1 million tonnes of permitted reserves.
- 5.4 It is recognised that the change to the end date would have the consequence that the existing operations and related environmental effects would continue for a longer period. However, these effects are already effectively controlled by the existing schedule conditions which could continue in operation for the extended duration of the mineral extraction operations.
- 5.5 It is also recognised that the extension of time would delay the restoration of the site. However, the approved scheme provides progressive restoration and therefore, the site would be restored progressively over the duration of the extended period.
- 5.6 The extension of time would allow for the 1 million tonnes of remaining permitted reserves to be extracted and worked in the existing quarry which contribute to the apportionment figure calculated in the Regional Technical Statement. Should planning permission not be granted for the extension of time, the remaining permitted reserves would remain unworked, and the apportionment would be required to be acquired elsewhere. This would have major implications for the continuity of aggregate supplies in Denbighshire, North East Wales and beyond into the North West Region of England.
- 5.7 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, Officers consider there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted. A Deed of Variation of the Section 106 legal agreement dated 27 October 1992 that provides for management of the adjacent woodland is required.

The recommendation is subject to the completion of a Deed of Variation to the 1992 Section 106 Obligation. The Certificate of Decision would only be released on completion of the Deed . In the event of failure to complete the Deed within 12 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The extraction of limestone, the removal of plant and the restoration of the site shall have been completed by 31 August 2028.
2. This permission relates to the extraction and processing of limestone and associated restoration, landscaping and aftercare works within the area as shown edged in red on the approved Location Plan reference Drawing No. M18.155.D.011 and hereinafter referred to as the 'site'.
3. The development hereby permitted shall be carried out strictly in accordance with the details shown on the following submitted plans and particulars unless specified as otherwise within any other condition pursuant to this permission:
 - i. Application dated 25th May, 1990, together with written statement and appendices attached thereto, as amended by ii) below.
 - ii. Supplemental proposals statement dated 19th March 1991, as amended by iii) below.
 - iii. Letter dated 15th May 1991, from R.A. Hulse, of Tarmac Roadstone Ltd; to P. Eyton Jones, Director of Architecture, Planning and Estates.
 - iv. Location Plan (scale 1:2500 - reference D4/44A)
 - v. Site Survey Plan (scale 1:1000 - reference D4/45A)
 - vi. Visual Appraisal Plan (scale 1:10,000 - reference D4/46)
 - vii. Environment Proposals Plan (scale 1:1000 - reference D4/47B)
 - viii. Geological Plan (scale 1:1000 reference D4/48A)
 - ix. Geological and Development Cross Sections (scale 1:1000 - reference D4/49A)
 - x. Development Plan (scale 1:1000 - reference D4/50B)
 - xi. Final Restoration Plan (scale 1:1000 - reference D4/51B)
 - xii. Planning Application dated 28 October 2009 and accompanying Environmental Statement including plans and appendices dated October 2009.
 - xiii. Location Plan dated September 2009 Plan 1.
 - xiv. Application Plan dated September 2009 Plan 2.
 - xv. Quarterly Noise Monitoring Survey dated August 2017 prepared by Hepworth Acoustics
 - xvi. Planning Statement - Received 9th September 2019
 - xvii. Location Plan - Section 73 (Drawing No. M18.155.D.011) - Received 9th September 2019
4. Unless the prior approval of the Mineral Planning Authority has been obtained, the maximum annual sales of limestone from the quarry shall not exceed five hundred thousand (500,000) tonnes, and the Mineral Planning Authority shall be supplied with sales figures on an annual basis to verify the sales.
5. Only material derived from the development hereby permitted shall be used in the restoration of the site, unless otherwise previously approved in writing by the Mineral Planning Authority.
6. Within six months of the date of this consent, a scheme(s) shall be submitted to the Mineral Planning Authority for written approval which shall cover the following matters:-
 - i. The phased implementation of this planning permission including the anticipated dates for the commencement, carrying out, completion, restoration, landscaping and aftercare of each phase of the development. Following the approval of the submitted scheme(s) in writing by the Mineral Planning Authority, the scheme(s) shall be reviewed periodically at intervals not exceeding five (5) years from the date of approval and each review of the scheme(s), which, if necessary, shall include a revised timetable of operations, shall be

submitted to the Mineral Planning Authority for written approval. The development shall be carried out in accordance with the latest approved scheme(s).

- ii. The mitigation and monitoring of dust release from all site operations.
 - iii. The planting of trees, hedgerows and shrubs, to include the following;
 - a) the location, species, numbers and timing of the planting of trees, hedgerows and shrubs within the site;
 - b) the methods of planting, protection, maintenance and replacement of trees, hedgerows, and shrubs within the site.
 - iv. The location of existing, retained vegetation and woodland areas within the site, including their protection, management and enhancement.
7. All existing perimeter hedges, trees, undisturbed ground vegetation and fences shall be maintained and protected and hedges and boundary fences shall be made stock-proof and shall be maintained throughout the life of the permitted quarry operations until the restoration of the site is completed to the satisfaction of the Mineral Planning Authority. Site operations shall not disturb or destroy any retained hedges and trees including boundary hedges and trees, and fences shall be erected and maintained to protect the same. Retained hedgerows within or bounding the site shall be carefully maintained, cut and trimmed when appropriate, at the proper season throughout the period of working and restoration of the site.
 8. No movement/handling of soils or soil making materials shall take place except when the full depth of soil to be stripped, handled or otherwise transported is in a suitably dry soil moisture condition.
 9. All stripped topsoil and subsoil shall be retained on the site and none shall be sold or removed from the site.
 10. All topsoil, subsoil and overburden bunds shall be graded and seeded to grass and/or a suitable leguminous species to the satisfaction of the Mineral Planning Authority. Unless otherwise previously agreed in writing with the Mineral Planning Authority the bunds shall be immediately seeded following their completion and re-seeded on bare patches until a satisfactory growth is achieved.
 11. All areas of the site left undisturbed and all topsoil, subsoil, soil making materials and overburden bunds shall be managed and kept free from noxious weeds and measures shall be taken to destroy weeds at an early stage of growth to prevent seeding.
 12. Measures shall be taken to ensure that the operations carried out within the site do not give rise to the pollution or silting of any watercourse or other land, and do not cause any flooding and to ensure that the natural or artificial drainage of any adjoining land is not adversely affected by any operations carried out within the site. There shall be no discharge of surface water from the site onto any adjoining public right of way.
 13. Any refuse or waste materials which are not naturally occurring arising from the development shall not be deposited within the site, but shall be disposed of at an authorised waste disposal site.
 14. Any oil, fuel, lubricant, paint or solvent present on the site shall be stored within a suitably bunded area or other such enclosure to ensure that any contamination of topsoil, subsoil and other soil making materials does not take place or that any water environment is not adversely affected.
 15. Access to and from the site for all quarry traffic shall only be gained via the existing access from the Plas Chambres road.
 16. The vehicle and wheel cleaning facilities provided on the site shall be used by all heavy vehicles leaving the site to ensure that no mud or other detritus is deposited on the public highway. The facilities shall be maintained in a good working order throughout the life of the development.

17. Measures shall be taken to ensure that, as far as is practical, the surfaces of the quarry access roads are kept free from mud and other detritus and that they are maintained at all times in a good condition to the satisfaction of the Mineral Planning Authority.
18. All road vehicles leaving the site carrying limestone below 150mm diameter shall be trimmed and sheeted. The vehicles shall be sheeted or otherwise totally enclosed as soon as possible after loading and before leaving the site.
19. Except as permitted by this permission and notwithstanding the provisions of Part 19 of the Town and Country General Development Order 1995, no buildings, fixed plant, structures, machinery or lagoon areas (except mobile plant and machinery) shall be erected or replaced on any part of the site, without the prior written approval of the Mineral Planning Authority.
20. The best practical means shall be employed at all times to minimise the emission of noise arising from the development hereby permitted.
21. Notwithstanding the provisions of Condition No. 20 above rated noise, levels attributable to mineral operations at the site at nearest noise sensitive properties used as a dwelling shall not exceed 10dB LAeq (1 hour) above background noise levels.
22. Noise monitoring shall be undertaken at points shown on Figure 1 of the approved Noise monitoring Survey Dated August 2017 prepared by Hepworth Acoustics unless otherwise approved in writing with the Mineral Planning Authority. Monitoring shall be undertaken at three monthly intervals and the results shall be made available to the Mineral Planning Authority on request.
23. The best practical means shall be employed at all times to minimise the emission of dust arising from the development hereby permitted. In the event that dust generated by any of the operations hereby permitted is seen to be crossing the Site boundary the operations giving rise to the dust shall cease or be curtailed until dust is no longer visibly crossing the Site boundary.
24. Measures shall be taken to the satisfaction of the Mineral Planning Authority to ensure that the operations carried out on the site do not give rise to nuisance in the locality of the site by reason of light pollution.
25. Except in the case of emergency and for essential maintenance and pumping, the development hereby permitted shall only be undertaken between the hours of 0600 and 1800 Mondays to Fridays and 0600 and 1200 on Saturdays. There shall be no working on any Sunday or statutory/Public Holiday.
26. The best practical means shall be employed at all times to minimise ground vibration and air over-pressure from blasting operations carried out on the site.
27. Notwithstanding the provisions of Condition 26 above, the blast design, when calculated with a 95% confidence limit, shall be such that vibration levels arising from the blast shall not exceed a Peak Particle Velocity of 6 millimetres per second in any plane, as measured at the nearest residential or other vibration sensitive property affected by vibration from blasting at the Site.
28. Unless otherwise previously agreed in writing with the Mineral Planning Authority every blasting event undertaken within the Site shall be monitored at such point/s as may be agreed with the Mineral Planning Authority. The monitoring shall record Peak Particle Velocity of the ground vibration arising on the longitudinal, transverse and vertical planes, the frequency of the vibration in each plane, the resultant Peak Particle Velocity and Air Over-Pressure recorded in decibels.
29. The monitoring referred to in Condition No. 28 above, shall be programmed so as to update regularly knowledge of vibration propagation on the ground surrounding the site. Upon request the updated results and Regression times of Peak Particle Velocity against Scale

Distance shall be supplied to the Mineral Planning Authority at three (3) monthly intervals on request. The Regression lines supplied shall be the Mean line and the 95th percentile limit line and shall be relevant to each monitoring location.

30. Within 12 months of the date of this decision notice, a scheme of phased restoration and aftercare of the site shall be submitted to the Mineral Planning Authority for approval. The scheme shall provide for the following matters:-
 - i. The restoration of each phase of the development as undertaken in accordance with such details as may be approved under Condition 6(i) above, including treatment of quarry benches and faces, spreading of overburden and soils, fertilisation of the soils, seeding, planting and drainage, location of fences and field boundaries, access tracks and field water supply systems.
 - ii. The final treatment of the quarry floor and haul roads, the removal of buildings, plant, hardstandings and reinstatement of the access onto the highway.
 - iii. The aftercare of the restoration works.
31. Written notification of the completion of each phase of the development as approved under Condition 30 above shall be given to the Mineral Planning Authority within four (4) weeks of such completion.
32. In the event that mineral operations, including processing and exportation of won mineral permanently cease prior to the full implementation of the approved development, a revised scheme of restoration to include details of restoration and timescale for the completion of the restoration works, shall be submitted for approval to the Mineral Planning Authority within 12 months of the permanent cessation of working. Such a revised restoration scheme shall be fully implemented as approved.
33. The aftercare of the restoration works undertaken within each phase of the development shall be carried out in accordance with such details as may be approved under Condition 30(iii) above. The said aftercare shall commence upon the date of completion of each phase of restoration as notified to the Mineral Planning Authority under Condition 31 above, and shall continue throughout the lifetime of the development hereby permitted and for a period of five (5) years beyond the date of completion of the final phase of restoration.

The reasons for the conditions are:-

1. To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990, to ensure certainty for the life of the development, and to ensure that the development and restoration is carried out in a timely manner.
2. For the avoidance of doubt, to ensure that the development is carried out as approved and to assist compliance monitoring.
3. For the avoidance of doubt and to ensure that the development is carried out as approved and to assist compliance monitoring.
4. In order that the Mineral Planning Authority can monitor the output of the site. In the interests of highway safety and safeguarding the amenity of the residents of the local area.
5. In the interests of safeguarding the amenity of the residents of the local area, to ensure that there is sufficient organic and native material for restoration purposes, to reduce the number of unnecessary vehicle movements associated with the restoration of the site.
6. In the interests of the restoration of the site, to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority, to accommodate any unforeseen changes in ecology and/or habitats on site. In the interests of safeguarding the amenity of the residents

of the local area, visual amenity, in the interests of nature conservation, biodiversity, to create new habitats and to enhance those in the adjacent Site of Special Scientific Interest.

7. In the interests of landscaping and visual amenity.
8. In the interests of the restoration of the site and to ensure soil resources are protected.
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10. In the interests of the restoration of the site and to ensure soil resources are protected.
11. In the interests of the restoration of the site and to ensure soil resources are protected.
12. In the interest of protection of the environment and water resources.
13. To ensure that there is sufficient organic and native material for restoration purposes, to reduce the number of unnecessary vehicle movements associated with the restoration of the site, and in the interests of amenity and safeguarding the local environment.
14. In the interest of protection of the environment and water resources.
15. For the avoidance of doubt, in the interests of highway safety.
16. In the interests of highway safety and amenity of the area, and safeguarding the local environment, to prevent mud, limestone dust and products and debris being taken on to the public highway and to control the potential for the dispersal of slurry, dirty spray and dust from the site by quarry traffic and other passing vehicles.
17. In the interests of highway safety and amenity of the area, and safeguarding the local environment, to prevent mud, limestone dust and products and debris being taken on to the public highway and to control the potential for the dispersal of slurry, dirty spray and dust from the site by quarry traffic and other passing vehicles.
18. In the interests of highway safety and amenity of the area, and safeguarding the local environment, to prevent mud, limestone dust and products and debris being taken on to the public highway and to control the potential for the dispersal of slurry, dirty spray and dust from the site by quarry traffic and other passing vehicles.
19. To define the development and in accordance with the Town and Country Planning Act 1990, and to ensure that plant and machinery can be assessed for visual impact, and in the interests of amenity.
20. To protect the amenities of the locality from the effects of any noise arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population.
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22. To protect the amenities of the locality from the effects of any noise arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population.
23. To protect the amenities of the locality from the effects of any dust arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population and to ensure that dust emissions from the site are controlled.
24. In the interests of amenity and to minimise light pollution.

25. For the avoidance of doubt, and in the interests of the protection of amenity.
26. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well being of the neighbouring population and protection of property and to reduce the impact of blasting.
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29. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well being of the neighbouring population and protection of property and to reduce the impact of blasting.
30. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.
31. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.
32. In the interests of restoration of the site, visual amenity and landscape, to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority to enable the restoration to be revised in the event of early cessation, or to accommodate any unforeseen changes on site.
33. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.