

01/2019/0757

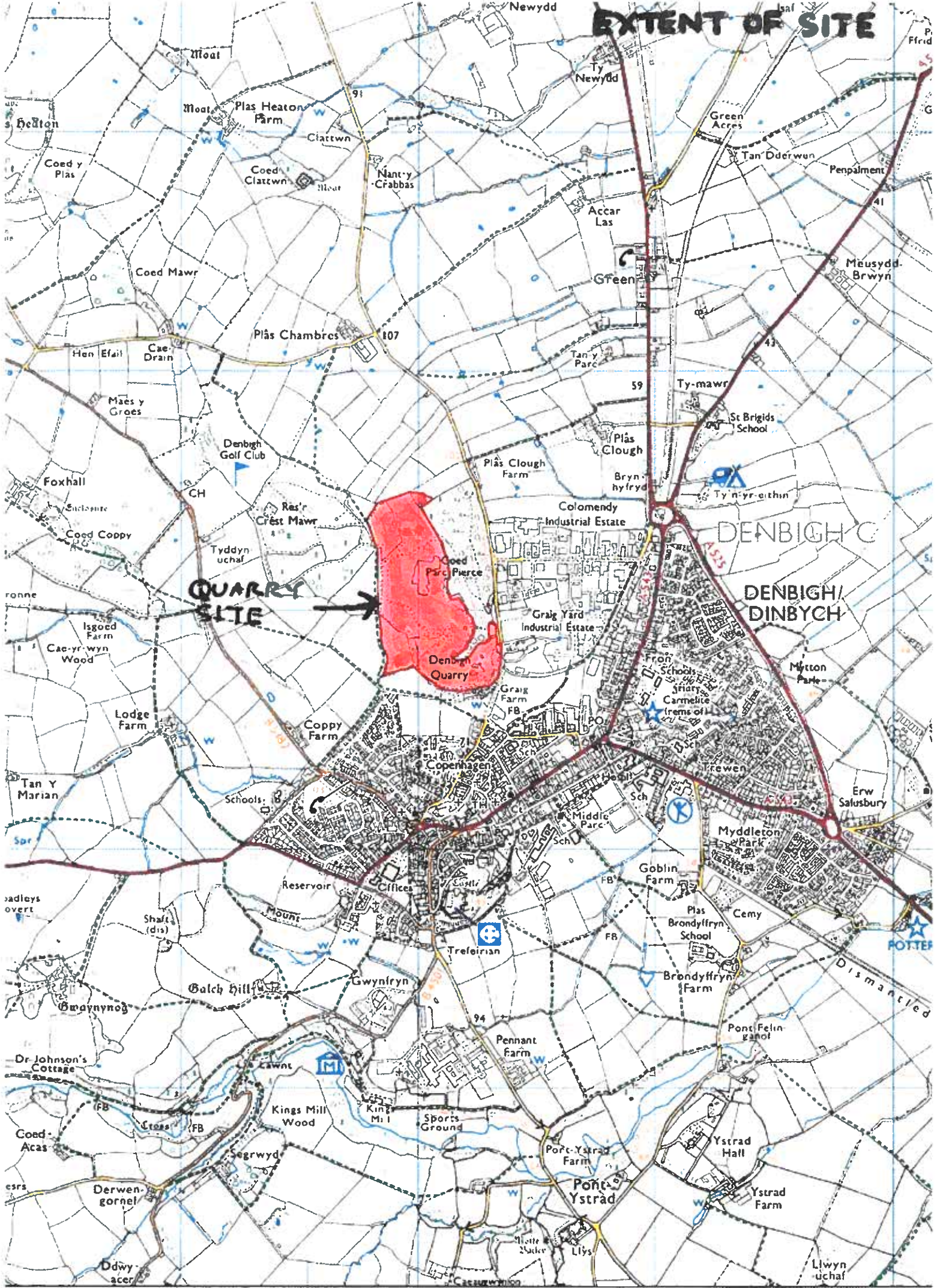
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EXTENT OF SITE



QUARRY SITE



Denbigh Quarry
Coed Parc Pierce

DENBIGH C

DENBIGH/DINBYCH

WARD : Denbigh Upper / Henllan

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

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 OrderSSSI (Crest Mawr Woodland)SSSI (Graig Quarry)
PROWAncient, Semi Natural Woodland
Existing Section 106 agreement

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Member request for referral to Committee.

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

Dr Sue Hewitt, 36 Pen y Graig

Mr Gwyn Pierce, 12 Accar-y-Forwyn

Ms Adele Thomas, 3 Rose Villas

Summary of planning based representations in objection:

Residential amenity impact

- The negative impact which will seriously harm the health and wellbeing of the environment and social well-being 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 and harmful particulates in the air
- Unacceptable levels of noise from the quarry including reversing beepers and operational noise including blasting
- 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
- Lack of data provided on the vibration levels experienced at neighbouring properties

Highway impact

- Loss of public rights of ways, byways and walkways
- Impact on the local highway network and its capacity to accommodate quarry vehicles
- Increase in carbon emissions

Ecological / wildlife impact

- The environmental impact on Crest Mawr Wood and Graig Quarry Sites of Special Scientific Interest (SSSI) and its species from vibration, noise, dust, human activity and industrial machines
- The impact specifically on the purple gromwell which is a feature of the SSSI and lack of evidence to demonstrate that the colony has not been harmed by the quarrying activity
- Lack of management of the SSSI and the prevention of sheep stock within the protected area
- Impact on nature conservation due to the loss of habitat
- Loss of trees and the impact on carbon absorption
- Loss of topsoil and vegetation

Other matters

- Geological effects that could threaten the water supply of local wells
- Lack of restoration details
- Detrimental to Listed Buildings
- Requirement for a liaison committee and better communication with the local residents
- Adequacy of information submitted with the application; the application should have included the scoping opinion
- Impact on property values

EXPIRY DATE OF APPLICATION: 04/11/2019

EXTENSION OF TIME AGREED: To 17/01/2020 due to committee deferment.

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Members may recall that consideration of this application was deferred at the December 2019 meeting of the Committee to allow for a site inspection panel meeting and for clarification of detailed matters including working practices, blasting arrangements, vibration and noise, and community benefits.
- 1.1.2 The proposal seeks permission to extend the period for the extraction of limestone from Denbigh Quarry, in an area which was originally granted permission as an extension to the quarry in 1992. A further permission was granted in 2010 to extend the period for extraction to March 2020. The 2010 permission was subject to a total of 37 planning conditions.
- 1.1.3 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.
- 1.1.4 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.
- 1.1.5 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 which was tied to the 1992 permission, which protects land adjacent to the quarry from development, and also provides for management of Ty 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 consent being issued.
- 1.2.3 On December 4th 2019, the applicants hosted a public exhibition to notify and consult local residents regarding a forthcoming planning application to extend the quarry in a westerly direction. For the avoidance of any doubt, the application presented to the Committee now is not in relation to the physical lateral western extension; it is purely as described above, for an extension of time to preserve the existing consent which will expire in March 2020.
- 1.2.4 It is understood that the applicant will commence formal pre-application consultation early in 2020 for the lateral extension, as required by the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

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 is 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. The permission was subject to a number of detailed conditions.

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 time 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. 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 clarified above, 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.
- 1.7.2 The notes of the Site Inspection panel held on the 16th December 2019 follow:

The application was subject to a Site Inspection Panel meeting at 2p.m. on Monday 16th December 2019.

In attendance were:
CHAIR – Councillor Joseph Welch
VICE CHAIR – Councillor Alan James
LOCAL MEMBERS – Councillors Gwyneth Kensler and Glen Swingler

GROUP MEMBERS –
Plaid Cymru Group – Councillor Rhys Thomas

COMMUNITY COUNCIL – Councillor Cathryn Jones

The Officers present were Hannah Parish and Ian Weaver.

The reason for calling the site panel was to allow opportunity to assess the nature of the application and to review associated issues such as blasting arrangements, vibration and noise and community benefits.

At the Site Inspection panel meeting, Members had regard to the following:

1. The detailing of the proposals and the background to the application.
2. Site characteristics, including the working areas and their relationship to site boundaries.
3. Representations received on the application.
4. General discussion.

In relation to the matters outlined:

1. Members first assembled in Caledfryn for a short introduction by the Case Officer, who outlined the basis of the proposals to extend the period for the working of remaining reserves within the previously consented area, to August 2028.
2. Members then visited the site and were shown the extent of the working area, noting the location of reserves which remained to be worked (a small area to the south of the quarry and a larger area to the north). Members noted the approximate location of an area which it was understood may be the subject of a future application for a lateral extension to the quarry, but appreciated this was not a matter which should influence the consideration of the current application.
3. The case Officer outlined the basis of representations received on the application, including the comments from private individuals expressing objections to the application.
4. Members raised questions relating to quarry reserves and the need for aggregate, annual output, blasting arrangements and communication systems, liaison committees, processes for recording noise and dust complaints, and the issue of Section 106 Obligations.

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 and dust
- 4.1.7 Ecology
- 4.1.8 Highways
- 4.1.9 Economic benefits
- 4.1.10 Archaeology
- 4.1.11 Hydrology and Hydrogeology
- 4.1.12 Restoration
- 4.1.13 Liaison Committee
- 4.1.14 Built heritage
- 4.1.15 Environmental Assessment
- 4.1.16 Community Benefit Fund

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.

It is not considered that the application raises issues over the principle of quarrying in this location. The issues of local impacts of extending the period for extraction are reviewed in the following sections of the report.

4.2.2 Need for aggregate

Minerals Technical Advice Note 1: Aggregates (MTAN1) 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 plays a key strategic role in limestone product supply. The quarry also produces aggregate to meet a local need and the production of agricultural lime, which also meets a local need. Significantly, the proposal does not seek to access any additional reserves, but seeks approval to extend the life of the consent so that those previously permitted reserves can be extracted.

The permitted reserves at the site contribute to the site's landbank and the apportionment figure in which the calculations within the Regional Technical Statement are based for the region's managed aggregate system. The Regional Technical Statement provides recommendations which guide the future levels of provision for construction aggregates required from each Local Planning Authority in Wales.

There remains an identifiable need for limestone products and the quarry makes a tangible contribution to the regional supply for the building industry.

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.

Significantly, subsequent to the grant of the 2010 permission, 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 and the planning permission is refused, the currently permitted 1 million tonnes of reserves would be sterilised and could not be extracted under the existing consent. The implications of this is such that the remaining 1 million tonnes which contribute to the site and the local authority area landbank as calculated in the Regional Technical Statement would need to be sourced and located elsewhere. Minerals can only be worked where they occur, which therefore limits the locations in which aggregate mineral can be worked.

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 restoration of the site; the scheme of which would be required to be submitted for written approval.

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 a result of the landform, and the effectiveness of the existing screening bunds and mature planting.

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 with mitigation in previous consents. 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 measures can 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 would 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, and there are concerns that no blast monitoring data has been made available as part of the application.

National Planning Policy for aggregates is set out in MTAN 1 and contains recommendations on blast limits. This recommends a blast limit of 6 millimetres per second peak particle velocity (ppv). Should planning permission be granted, this limit of 6mm/s ppv can be retained through the imposition of a condition.

The quarry blast generally once every 5-6 weeks. Every blast undertaken at the quarry is monitored by the contracted company who design, and then carry out the blast. The monitoring data confirms that in all instances, the recorded ground vibration recorded at properties including those at Bryn Seion and/or Accar-y-Forwyn located to the south of the quarry has been below the conditional limit of 6 mm/s ppv at a 95% confidence limit. Since 2016, (when the current operators recommenced working at Graig / Denbigh Quarry) the Mineral Planning Authority have only received complaints from six individual residents, amounting to 12 complaints in relation to blasting. As a result, the North Wales Planning Service has undertaken their own blast monitoring which confirm that the blasts have been within the current limits.

The last complaint received by the North Wales Planning Service in relation to quarrying activities at Graig / Denbigh Quarry was in April 2019. The North Wales Minerals and Waste Planning Service continue to actively undertake blast monitoring, which may have resulted in fewer complaints received. All complaints have been received when the blast occurred in the south of the quarry. When the operator has blasted in the north of the quarry, no complaints have been received. It is understood that the majority of the reserves on site remain in the north of the quarry, and therefore fewer blast events will occur in the south of the quarry.

The current conditional limit of 6 mm/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.

It is understood 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 Company 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 6841 "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. The majority of blast monitoring measurements have been much lower.

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 Graig / Denbigh Quarry, and that experienced from the blasting measurements provided.

To put the blasting data into perspective, 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 6 mm/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. As a result of feedback from local residents during the public exhibition held by Breedon, and the concerns raised in relation to the uncertainty regarding blasting, the company have undertaken a review of their blasting practices and have agreed to produce a Blasting Protocol which can be required by condition to be submitted and approved in writing by the Local Planning Authority.

The required Blasting Protocol would include information such as pre-blasting notification, a complaints procedure, the frequency of blasting, information regarding warning sirens and other blasting related matters. Furthermore, in response to concerns raised by members at the December Planning Committee in relation to the frequency of blasting, the applicant has agreed to restrict the frequency of blasting at the site to a limit of 12 blasting events per year. Should planning permission be granted, this can be conditioned. Whilst there could be occasions where in cases of emergency the quarry company would need to undertake a secondary blast for health and safety reasons, the condition would oblige the quarry company to notify the local planning authority in advance.

4.2.6 Residential Amenity; Noise and dust

Residents have raised concerns in relation to increased noise and dust that would be emitted from the quarry.

Noise

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 can be imposed should planning permission be granted to ensure that residential amenity is protected and noise is controlled.

Two noise complaints were received in relation to noise emitted from the quarry on 18 December 2019 and investigations are on-going. However, noise monitoring undertaken by the quarry in September 2019 shows evidence that the operations at the quarry are being undertaken within acceptable noise limits and in accord with the current planning permission.

Dust

No complaints have been 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 can 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 can be transposed on any new permission and a new scheme of dust mitigation can 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. For clarity, 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 and Graig Quarry Sites 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.

Denbighshire County Council's Ecologist and NRW have raised no objection to the variation of condition to the extension of time as there are no physical alterations to the development from that which is already approved.

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. One of the features of interest is a colony of Purple Gromwell. However it is significant to note that the records of the Purple Gromwell are located outside of the extraction area covered by the current permission. Therefore the extension of time, and the continuation of quarrying activity at this site, would not have an impact on this species.

It should be noted that Crest Mawr SSSI lies to the north west of the quarry site, adjacent and outside of the quarry boundary. Part of the Graig Quarry SSSI is located within the quarry boundary on the southern edge of the site. However, the majority of the SSSI falls outside of the quarry boundary. The SSSI's would remain untouched by the quarry development as the quarry has reached its maximum lateral extent. 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.

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. NRW formally monitored the colony of Purple Gromwell in 2012. Informal surveillance has most recently been carried out in 2018 and 2019. Monitoring in 2012 suggested that the colony area appeared stable compared to the 2000-2006 monitoring period. The condition of the colony in 2006 was considered to be favourable. No adverse impacts are expected as a result of the proposed extension of time to complete the quarrying operations. In relation to concerns raised regarding grazing control within the SSSI, although stock may be able to access parts of the woodland area, stock are not currently able to access the small area of woodland where the Purple Gromwell is found.

The colony could be enhanced with woodland management to create a more dappled-light environment. The quarry company agreed to undertake positive management of the SSSI at their own expense and on the advice of NRW in 2018/19. 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. The Management Plan should be varied to include Crest Mawr SSSI. However, as there would be no physical alteration in the footprint of the proposal and no physical extension as a result of this proposal, there would be no trees removed as a result of the extension of time.

The Council's Ecologist and NRW have raised no objection to the variation of condition to the extension of time. Separate management and legislative controls are in place to provide protection for any species and habitat which could potentially be affected in the future. 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

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.

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.

It is relevant that 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. In response to the concerns raised by Members at the December Planning Committee, the applicant has indicated it would be acceptable to condition a limit of 400,000 tonnes per annum, which would represent a 20% reduction in output levels. This 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.

Residents have raised separate concerns in relation to the proposal resulting in the removal of a public right of way. This is not the case as the proposal, as outlined above is for an extension of time at the quarry, and not a physical extension to the quarry. The consented extent of the quarry would not be altered as a result of this application and no public rights of way, byways or walkways would be affected.

4.2.9 Economic benefits

The direct employees at the quarry are currently six. Should the planning application be approved this would increase by 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.

Clwyd and Powys Archaeological Trust raise no objections to the proposal.

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 additional impact on archaeological remains due to the proposed continuation of quarrying operations.

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 Restoration

Concerns have been raised by local residents in relation to the restoration of the site and in the event that the quarry does not receive planning permission for the extension of time.

In the event that the application is refused, the operator would be required to submit a revised restoration scheme, based on the remaining reserves not being extracted, and the local authority would have to consider an appropriate time period to implement the revised restoration scheme.

Should planning permission be granted, a condition can be imposed to require a scheme of phased restoration to provide details of treatment of benching, faces, placement of soils/overburden, seeding, planting, location of fences, access tracks and removal of any buildings.

A query has been raised in the relation to the use of Restoration bonds to ensure that the site is restored adequately. In practice, Restoration Bonds are commonly used to secure the restoration of open cast coal mines where the costs of restoration would be significant, and their value would be based on the maximum liability point of the scheme, calculated by an applicant's surveyor and landscape architect on the basis of the volume of material to be moved at that point, and an itemised list of other things that would be required (i.e. treatment of land, demolition of fixed plant, buildings and

hard standings, construction of dry stone walls and gates etc). The total is the sum insured, plus an annual rise tied to the retail price index.

In this case at Denbigh Quarry, there are just a million tonnes remaining in the void, and this is not proposed to be restored back to original land levels. It is understood the site would be restored for nature conservation value and therefore this would not be costly in relative terms. There is scope with this renewal of permission to secure a progressive restoration of the quarry as extraction continues, via a suitably worded condition, avoiding the scenario where all restoration works would be undertaken at the end of the extraction phase. Consequently it is not considered the Council has a strong argument to insist on a restoration bond in this instance.

4.2.13 Liaison Committee

Questions have arisen in relation to the communication process with residents, and in particular over involvement in the quarry liaison committee.

The quarry already host a quarry liaison committee. The last meeting took place on 16 December 2019. It is a voluntary group consisting of local members, the town council, representatives from Denbighshire County Council planning and public protection, the North Wales Police, members of the public and representatives from Breedon.

The issue of notification of blasting was raised at the liaison Committee and ideas have been mooted for the improvement of the system. Should planning permission be considered, a condition can be attached obliging submission and approval of the terms of reference for the Liaison Committee. This document could provide details of the membership of the group, the functions and terms of reference/purpose of the committee, suggested venue and frequency of the meetings and a mechanism for review.

4.2.14 Built Heritage

Residents have raised concerns that the proposal would have an impact on nearby listed buildings.

In respecting these comments, it is considered that the proposal would not have an adverse impact on sites of built heritage or their setting. As discussed above, the blast vibration data provides evidence that the blasting from the quarry would not cause damage to buildings and therefore would accord with the provisions of VOE1 of the adopted Denbighshire Local Development Plan.

4.2.15 Environmental Assessment

The application was screened negatively on 22 October 2019 in accordance with the provisions of the Town and Country Planning (Environmental Impacts 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.

Residents have expressed concerns that details pursuant to the Scoping Request and subsequent Scoping Opinion provided by the Local Planning Authority for the forthcoming lateral extension should have been included within this application for the extension of life. The individual has raised concerns that residents were not involved in the Scoping Opinion process undertaken earlier in the year in relation to the proposed lateral extension of the quarry. Respectfully, the formulation of a Scoping Opinion requires technical input from statutory consultees who stipulate what an Environmental Statement should include. The Environmental Statement will then accompany the planning application when submitted. It is not a statutory requirement to consult members of the public during the Scoping process, but the documents are publicly available on the council's website. The information in relation to the western extension is not materially relevant to the determination of this application for an extension of time and it was not considered necessary or relevant to be included in this section 73 application.

Should planning permission be refused for this section 73 extension of time application, should the applicants wish to pursue the western extension application, they will also need to include the land comprising the existing quarry boundary.

4.2.16 Community Benefit Payments

One of the issues raised in the request for deferral of the item at the December planning committee, was the situation over community benefit payments.

Initially it is relevant to record that the application before Members is a section 73 application, seeking the variation of a single condition on an existing planning permission, to allow a longer period for existing permitted reserves to be extracted, as there is insufficient time for the operator to do this. There has been no previous requirement as part of any planning consents for the operation of the quarry for commuted sum payments to mitigate the impacts of the development – this being the sole basis on which financial payments or off site works directly related to the impacts of a development can be justified.

In Officers' understanding, circumstances surrounding the operation of the quarry, and planning legislation have not changed in any material way since the grant of the last permission, which could justify the Authority 'obliging' the quarry company to offer a Community Benefit payment. The justification within Policy BSC3 of the adopted Local Development plan reflects national legislation over the use of Section 106 obligations, and states that measures to mitigate the impact of development should be fairly and reasonably related in scale to the development and its resulting impact.

Useful guidance on the principle of Community benefits payments is contained in TAN8 Annex B relating to windfarm development and relevant extracts are reproduced below. The basis of the guidance is that as such offers are not necessary for the development to proceed, they must not impact upon the decision-making process, and whilst developers may make offers outside the planning process, the provision of benefits can only be on a purely voluntary basis with no connection to the planning application process.

Community Benefits Arising out of the Development of Wind Farms in Wales

1. Planning Obligations

To enable development to proceed

1.1 Where a development would have implications for the public provision of infrastructure a local planning authority may require the developer to make an in-kind or financial contribution towards its provision. It is possible that the development of a

wind farm would have such implications and lead a local planning authority to invoke its legal powers to require, for instance:

- highway infrastructure improvements outside of the application site.
- wildlife habitat management or creation in mitigation for adverse impacts of the construction.
- payments to overcome adverse implications for communication networks such as TV or radar.

1.2 Under such circumstances the developer would be required to enter into an “obligation” under section 106 of the Town and Country Planning Act (S.106 obligation) to enable development to proceed.

Developer offers

1.3 The developer might wish to volunteer “gains” outside obligations that could be legitimately described as necessary for the development to proceed. Such “gains” could be offered as part of the planning process, as outlined below, or they could be undertaken as a separate exercise. The courts have held that this approach is not, in itself, unlawful. Whether the developer enters into an agreement with the local planning authority or offers these extra benefits unilaterally (as he is permitted to do under section 106), the important point here is that, as such offers are not necessary for the development to proceed, they must not impact upon the decision-making process.

2. Community Benefits – outside of the planning process

2.1 It is perfectly acceptable for a business to enter into a legally binding agreement with third parties to deliver particular and agreed benefits to the community. Many local planning authorities would be more comfortable with this approach as it separates, more clearly, community benefits from the planning decision. It is important that the developer is able to identify suitable local representative people or organisations with whom it can negotiate. If there are funds to be administered then an appropriately constituted and regulated body must be identified or created.

2.4 It must be clear that the provision of benefits is on a purely voluntary basis with no connection to the planning application process.

Breedon have confirmed that they do not consider it appropriate to now seek community benefit payments in relation to a short term time extension for extraction of aggregate within a previously consented area. They have advised that a community fund will form part of their planning application for the western extension of the quarry, and this is something that they have indicated they would commit to at the time that the application is submitted. In the meantime, should the section 73 application be successful then Breedon have confirmed that they would continue to support the local community on a case by case basis for support with local projects, for example a recent donation of £2,500 to the Citizen’s Advice Bureau in Denbigh to help fund additional opening hours.

It is also relevant to note that Quarry Companies have been subject to a tax on each tonne of aggregate exported since the Aggregates Levy was introduced by the Government in 2002, and until recently, the Aggregates Fund has been used in part to promote recycling and to provide environmental benefits to quarrying communities. It is understood that this tax applies at £2 a tonne exported, and is paid direct to the Treasury. Unfortunately, Welsh Government ceased to continue the Fund in 2016. The Minerals Product Association and the Planning Officers Society for Wales are in discussion with Welsh Government to try and resurrect this fund which has invested £20 million into community and environmental projects within the quarrying communities over the last 15 years across Wales.

Officers conclusion on this matter is therefore, with respect, that the matter of community benefit payments should not be a factor in considering the merits of the application or impact on the decision making process.

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 On the matter of community benefit payments, Officers would respectfully note that these should not be a factor in considering the merits of the application or impact on the decision making process.

5.8 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 justifiable 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.

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. Within six months of the date of the decision notice a scheme providing a Blasting Protocol for the quarry shall be submitted to, and approved in writing by the Mineral Planning Authority. 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. Unless otherwise agreed in writing with the Mineral Planning Authority, and except in the case of emergency, there shall be no more than 12 individual blast events within a 12 month period.
31. 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.

32. 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.
33. 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.
34. 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.
35. Within 6 months from the date of this permission, a scheme detailing the terms of reference for the Quarry Liaison Committee shall be submitted in writing for the written approval of the Mineral Planning Authority. The approved scheme shall include inter alia:
 - a) the functions and terms of reference of the Liaison Committee;
 - b) a list of potential members;
 - c) suggested venue and frequency of the meetings;
 - d) a mechanism for review.The scheme shall be fully implemented throughout the life of the development hereby approved.

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.
9. In the interests of the restoration of the site and to ensure soil resources are protected.
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.
21. 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.
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.
27. 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.
28. 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.
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. 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.
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 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.
33. 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.
34. 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.

35. To ensure that there is a mechanism for engaging with the local community to ensure that they are fully informed with regards to activities associated with the quarrying operations and development hereby approved to encourage improved community and operator relations, and in the interest of local amenity.