

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION AND
COUNTRYSIDE SERVICES**

**Request for Member involvement at upcoming
Planning Appeal
01/2022/0523/MA - Graig Quarry
Graig Road
Denbigh**

1. PURPOSE OF REPORT

To seek the support and involvement of Member(s) in defending the Local Planning Authorities decision to refuse planning permission for :

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

The appeal is process and date is still unknown, but it is likely to be held as a Public Inquiry. Officers will update relevant members on this when PEDW have advised us. However, for the purposes of nominating Member(s) to assist in the defence of the councils decision this information is not yet required.

2. BACKGROUND

Planning permission was sought in 2022 for the:

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

Officers recommended to Planning Committee in December 2023 that planning permission should be granted for the above planning proposal. After a lengthy and full debate Members resolved to refuse planning permission against Officer recommendation. The refusal was proposed by the Councillor Delyth Jones and seconded by Councillor Arwel Roberts. The reasons for refusal were:

- 1. It is the opinion of the Local Planning Authority that the proposed lateral extension to Graig Quarry would have an unacceptably negative impact on protected species and the special characteristics and features of the Crest Mawr and Graig Quarry Sites of Special Scientific Interest. The proposal is*

therefore considered to be contrary to Local Development Plan Policies VOE1 'Key Areas of Importance', VOE 5 'Conservation of Natural Resources', PSE 16 'Mineral Buffer Zones', PSE 17 'Future Mineral Extraction' and guidance contained within adopted Supplementary Planning Guidance Note 'Conservation and Enhancement of Biodiversity', Planning Policy Wales 11 (including updated Chapter 6) and Technical Advice Note 5 Nature Conservation and Planning.

2. *It is the opinion of the Local Planning Authority that the proposal contains insufficient justification for the development of an extension to the quarry and the restoration by importation of inert waste material, on an unallocated site in the open countryside. The proposal is therefore considered to be contrary to Local Development Plan Policy PSE 17 'Future Mineral Extraction', and advice contained in Minerals Technical Advice Note 1 'Aggregates', and Planning Policy Wales 11 (including updated Chapter 6).*
3. *It is the opinion of the Local Planning Authority that the proposed lateral extension to the quarry would have a negative impact on the amenity and well-being of local residents. The proposal is therefore considered to be contrary to Local Development Plan Policies PSE 16 'Buffer Zones', PSE 17 'Future Mineral Extraction' and advice contained in Minerals Technical Advice Note 1, the Development Management Manual and Planning Policy Wales 11 (Including updated Chapter 6).*

The vote was 16 to refuse planning permission, 0 to grant planning permission and 1 abstention.

In preparing for the upcoming appeal, Officers have secured the services of a Planning Officer from Flintshire's Waste and Minerals service to lead the Council's case. The services of a barrister are also being sought should the appeal be held as a Public Inquiry.

Officers are now asking for Members to nominate a member (or members) of planning committee to represent the Council at the planning appeal alongside the Flintshire Planning Officer.

A copy of the original Officer report is attached as Appendix A, a copy of the minutes of the meeting as Appendix B, and a copy of the decision to refuse is attached as Appendix C.

3. RECOMMENDATION

That Planning Committee nominate up to 2 Members to represent the Local Planning Authority, with relevant Officer support, at the forthcoming Planning Appeal. That those Members attend the appeal hearing and provide relevant input in the defence of the Planning Committee decision.