

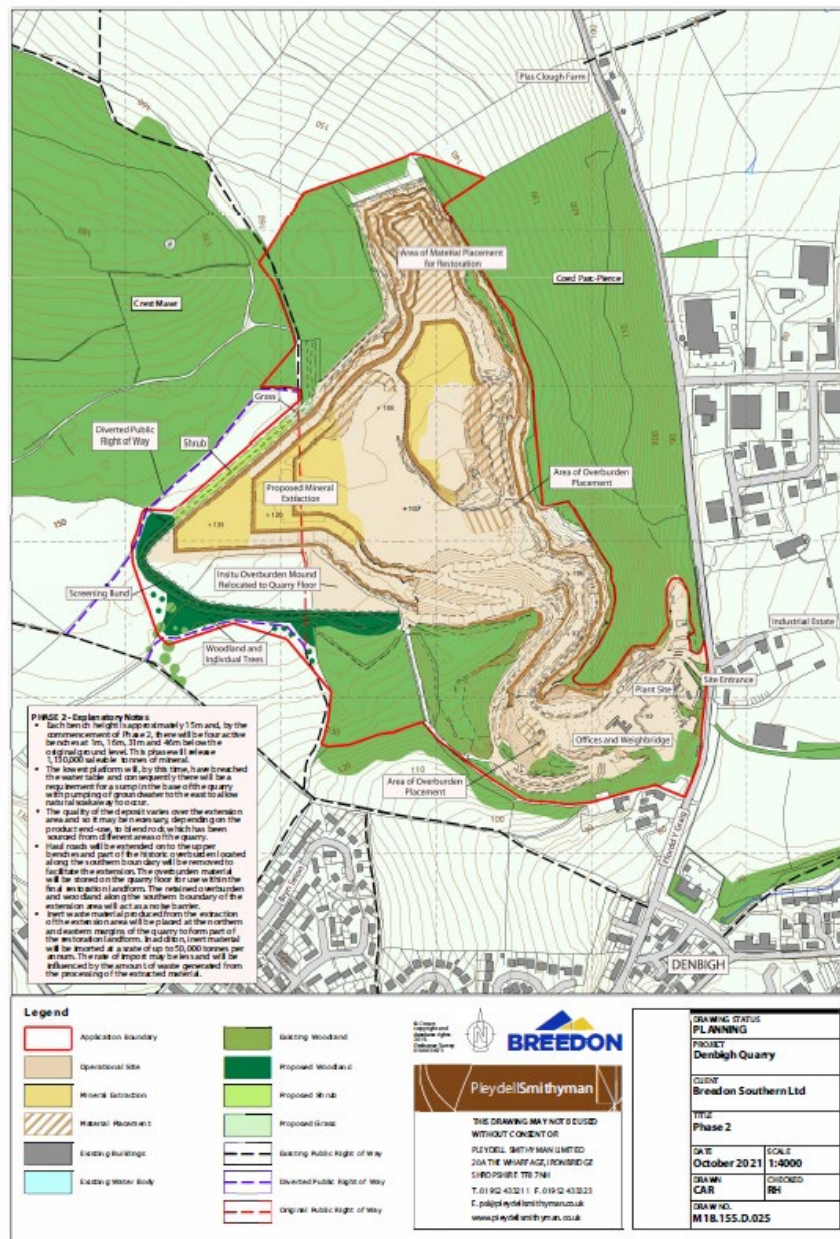
Location plan



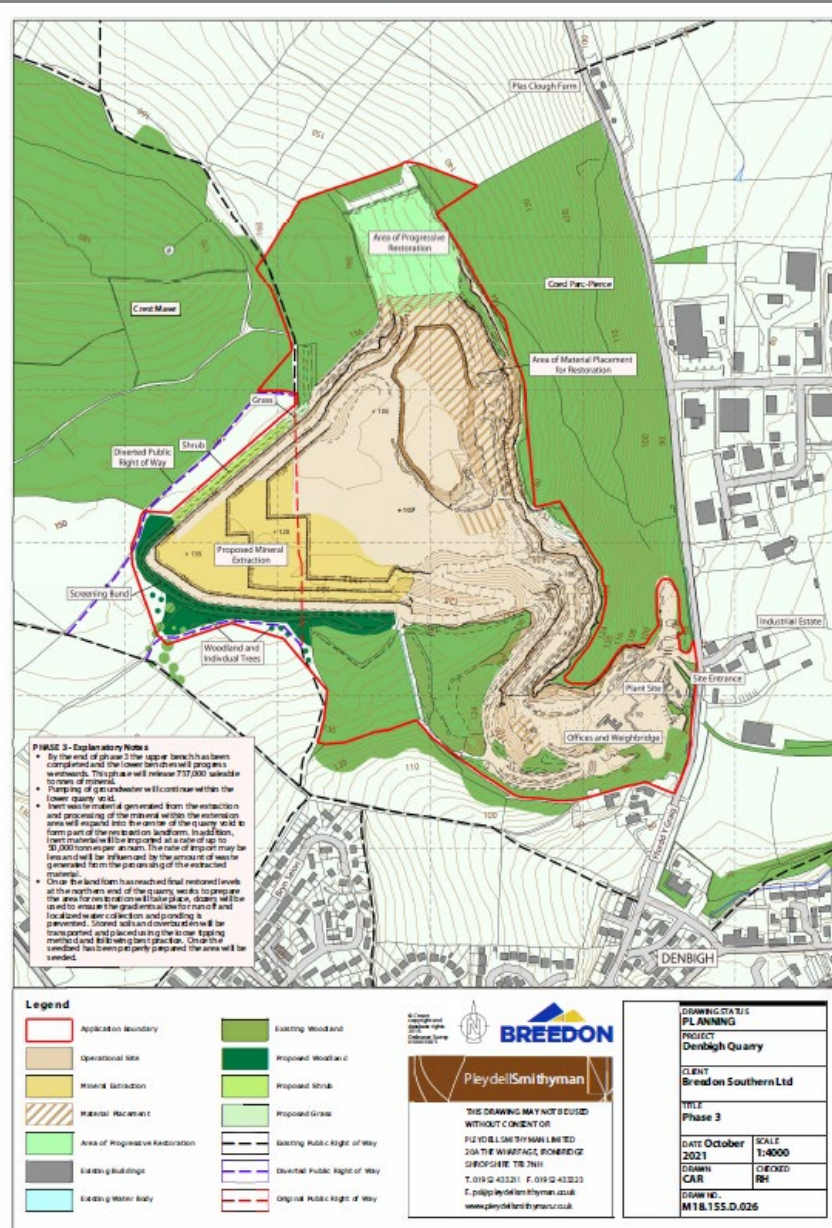
Existing site



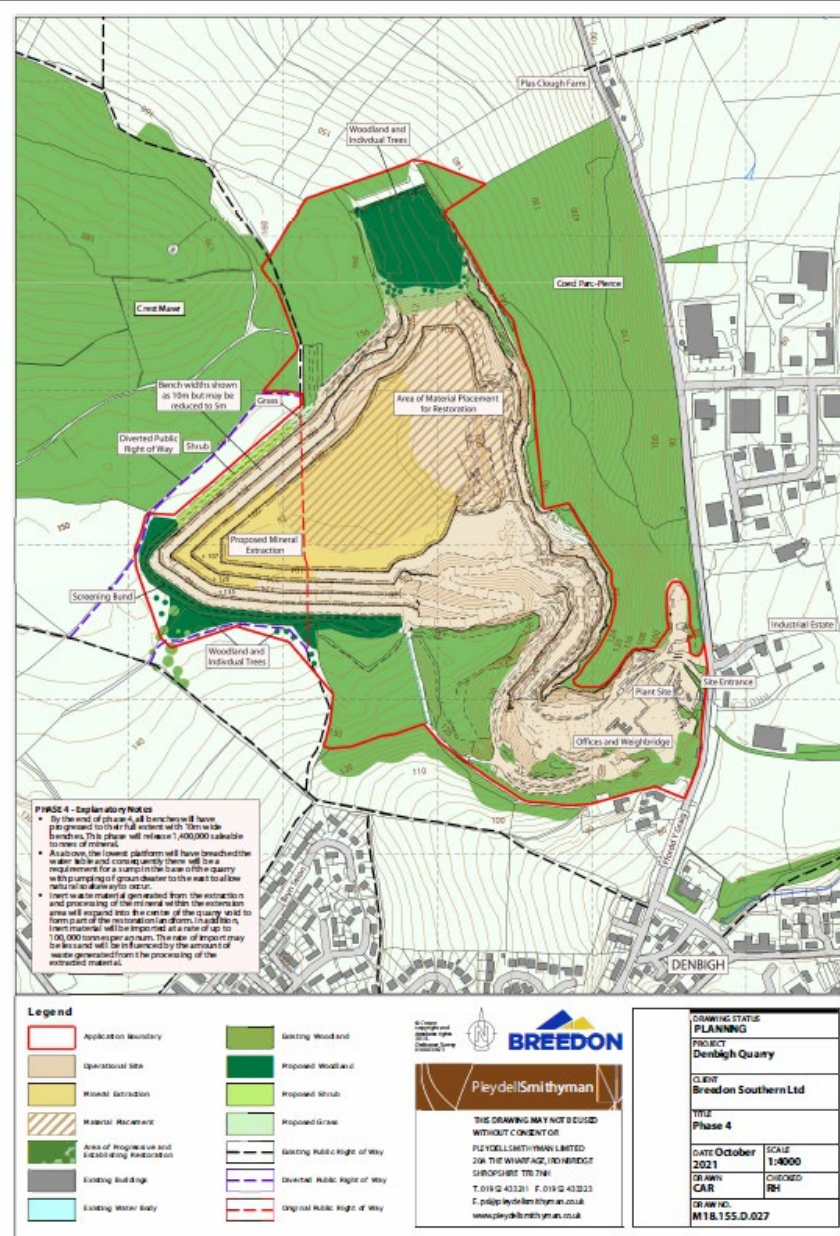
Proposed Site – Phase 1



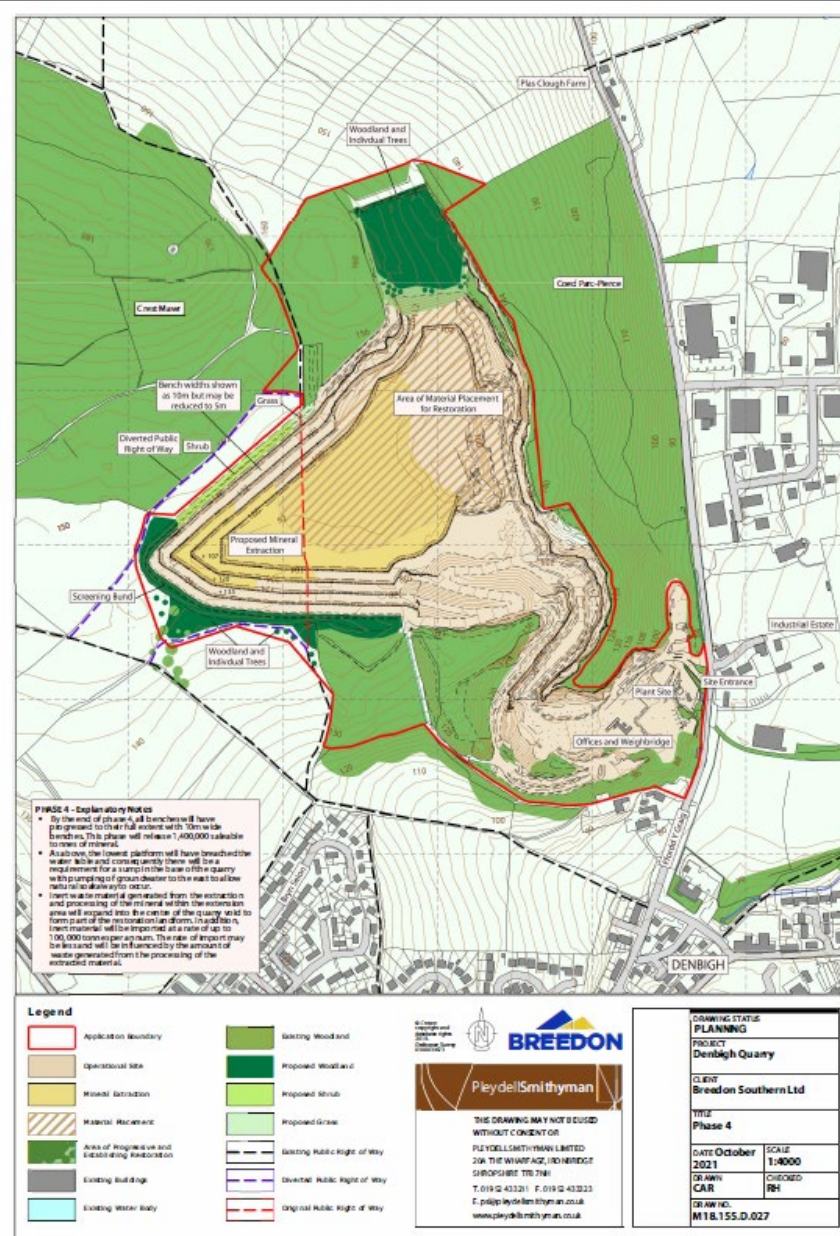
Proposed site – Phase 2



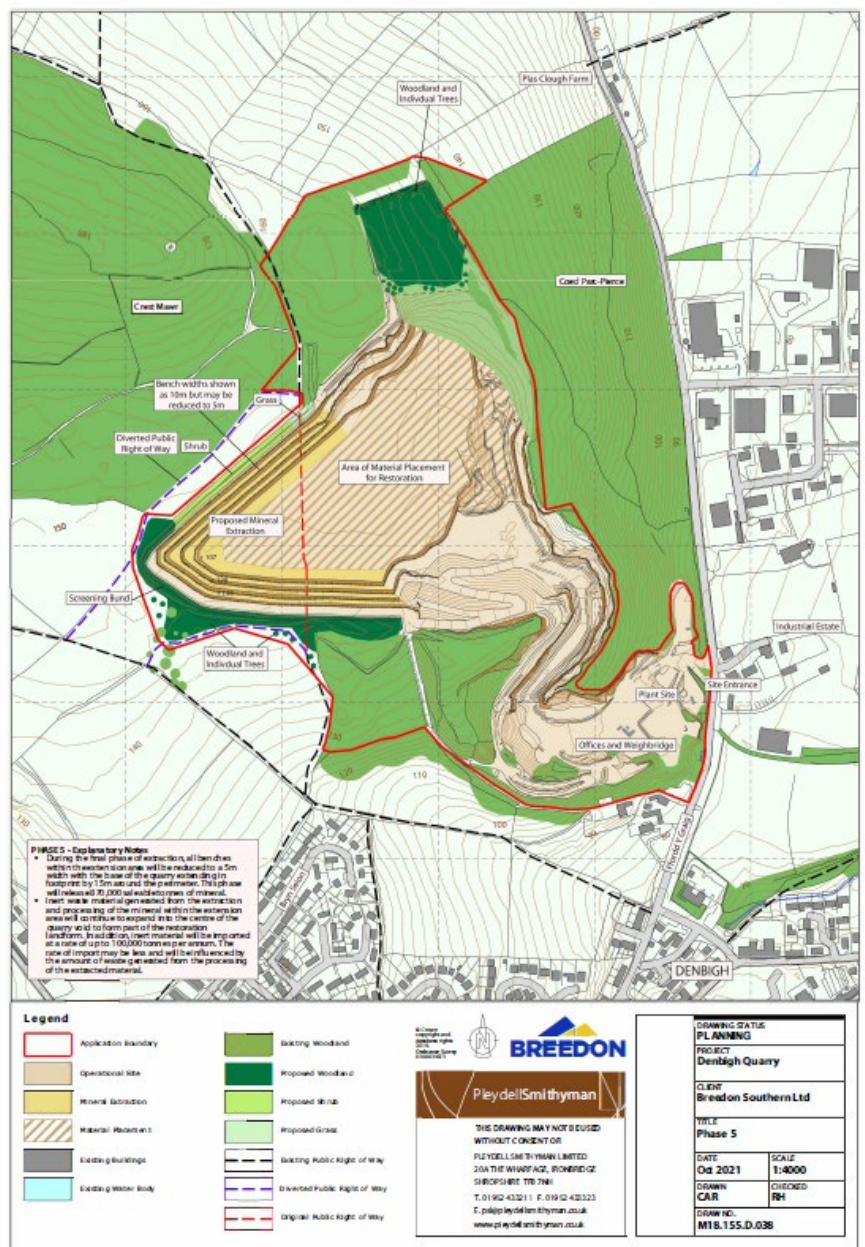
Proposed site – Phase 3



Proposed site – Phase 4



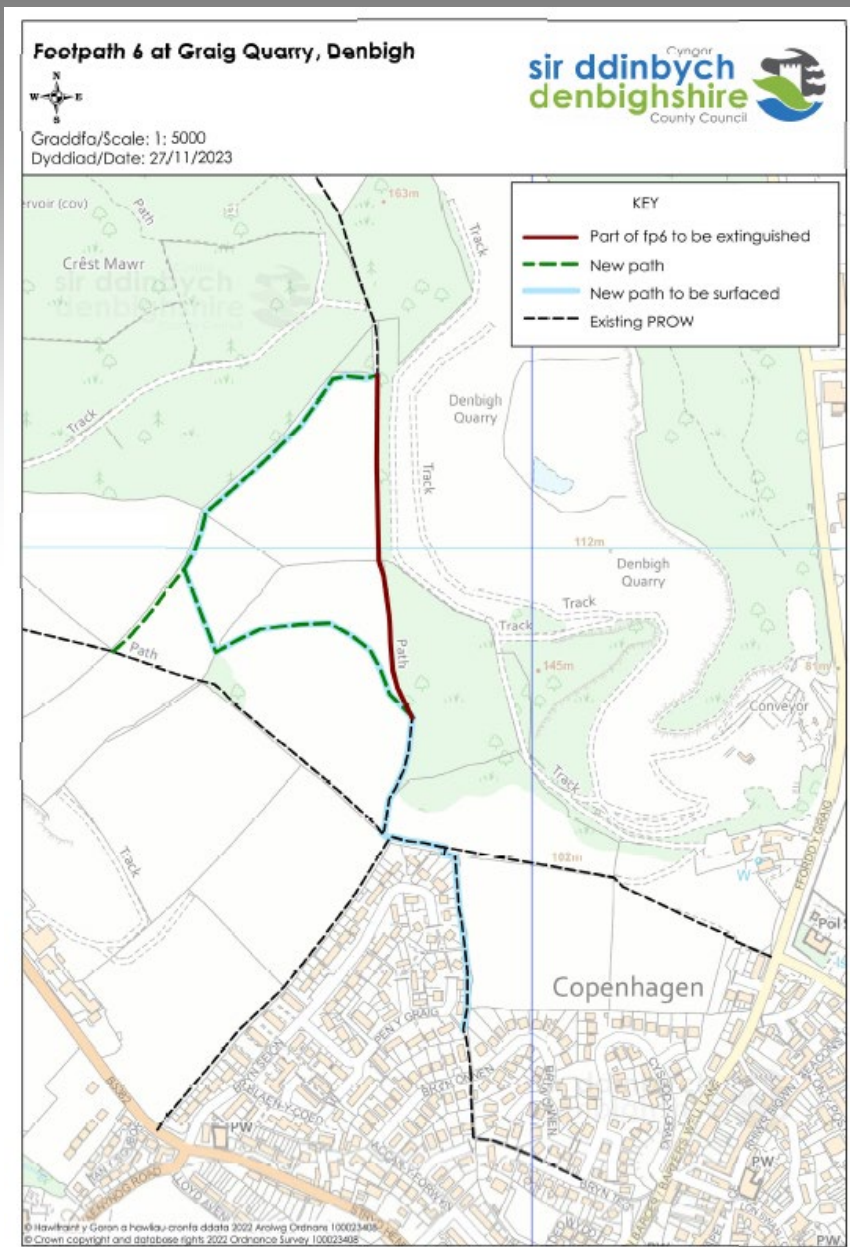
Proposed site – Phase 4



Proposed site – Phase 5



Restoration Concept



Public footpath routes to be altered / improved



N

**Graig Quarry ,Denbigh
Proposed permissive footpath
Route Plan (Draft)**



Scale 1:5000
27 November 2023/SJ049674

Environment Directorate
Caledfryn, Smithfield Road, Denbigh, LL16 3RJ



Proposed new permissive footpath route (draft)



View southwest from public footpath (1)



View north west from public right of way (2)



View northwest (b) from public right of way (2)



View northwest (c) from public right of way (2)



View northeast from public right of way



View north from public right of way



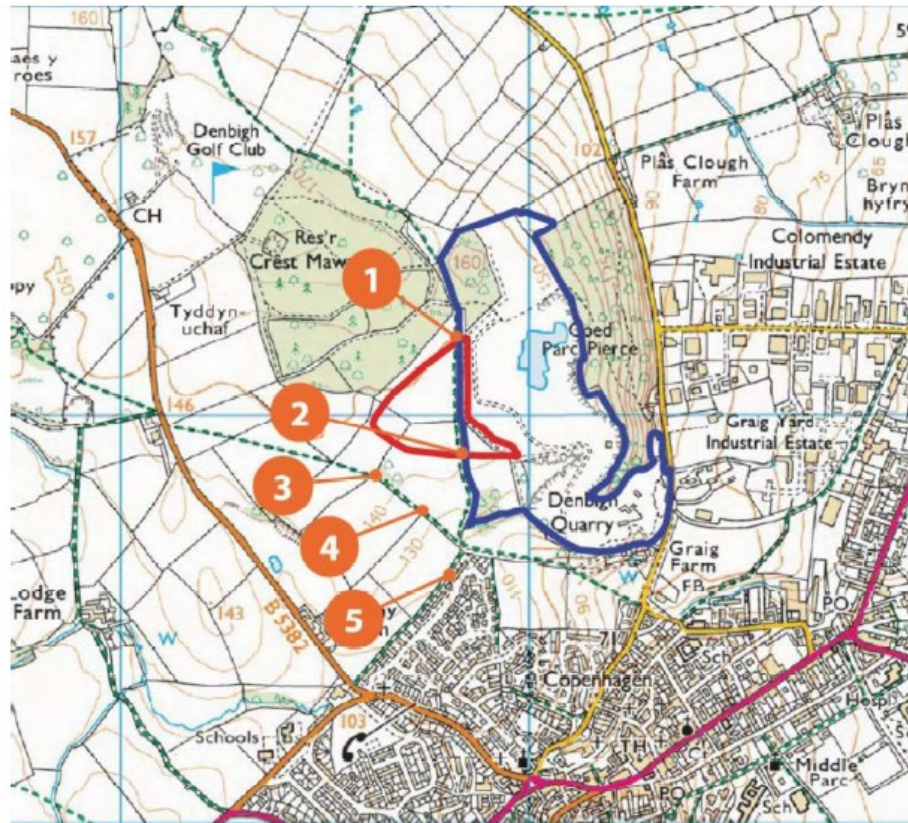
View north (b) from public right of way



View northeast towards site from Denbigh Castle

LANDSCAPE AND VISUAL IMPACT ASSESSMENT FOR CONTINUED QUARRYING
OPERATIONS AT DENBIGH QUARRY, DENBIGH

Plate 3: Close Range Viewpoints (Extract of Figure 4.4)



Viewpoint locations

WARD : Denbigh Caledfryn Henllan

WARD MEMBER(S): Councillor Pauline Edwards
Councillor Delyth Jones (c)
Councillor Geraint Lloyd-Williams

APPLICATION NO: 01/2022/0523/ MA

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

LOCATION: Graig Quarry, Graig Road, Denbigh, LL16 5US

APPLICANT: Mr C Burgess, Breedon Southern Limited

CONSTRAINTS: Tree Preservation Order SSSIROW Ancient, Semi Natural Woodland

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

Regulation 24 Consultation: Commenced 16/08/23 for 30 days in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017
Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

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

- Recommendation to grant – 4 or more objections received
- Recommendation to grant – Town Council objection
- Member request for referral to Committee

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL:

Objections have been raised by Denbigh Town Council with respects to:

- Environmental issues to include health and wellbeing, damage to properties, dust pollution, noise pollution, loss of green spaces/public space for recreational purposes,
- Traffic – more traffic on an already busy road.
- High impact on local residents.
- No benefit to Denbigh residents.
- There is no need for the products from the quarry in Denbighshire.
- The town councillors would also like it noted that if the plans do not come to fruition and in time the quarry closes that the current employees are offered work at an alternative location and not made redundant.

Following the Regulation 24 Consultation, no new objections were raised by the Town Council and their comments remained the same as above.

NATURAL RESOURCES WALES (NRW)

No objections raised subject to conditions relating to the protection of European Protected Species, namely the great crested newt, long term nature conservation management and hydrology and hydrogeology.

DWR CYMRU / WELSH WATER

No objection.

Dwr Cymru/Welsh Water requests an advisory note with regards to ensuring no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

CADW

No objections to the proposed development with regards to the designated historic assets.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

No objections subject to a condition to facilitate a scheme of archaeological investigation using a strip/map/excavate methodology as a condition of consent to secure preservation by a record of all archaeological remains which may be impacted by the development. The applicant should engage an archaeological contractor to complete this work and a written scheme of investigation (WSI) would need to be approved before the archaeological works commence.

NORTH WALES WILDLIFE TRUST

Objects to the planning application; concerns with regards to the impact on wildlife may not have been adequately assessed which could affect the success of mitigation measures. North Wales Wildlife Trust have concerns that the majority of the wildlife surveys that accompanied the application are out of date. They also have concerns with regards to the mitigation works proposed particularly in relation to the replacement planting and question if this would adequately mitigate for the loss of regenerating woodland habitat occurring as a result of the development.

WELSH GOVERNMENT SOIL POLICY AND AGRICULTURAL LAND USE PLANNING UNIT

No objections to the proposal.

NFU CYMRU

Notes the support for the application from the agricultural sector and confirm the need for a local supplier of agricultural lime.

ENVIRONMENTAL PUBLIC HEALTH SERVICE WALES (EHPS)

Initially EHPS had some concerns due to the lack of detailed assessment regarding the impact of quarry operations on local air quality and were of the view that further dust impact assessment and data would be needed. A further dust impact assessment has been undertaken, and an addendum to the noise assessment have been submitted as part of the consideration of the application.

Following further consultation, EHPS recommended that the Minerals Planning Authority as the regulator, confirm if the mitigation measures proposed in the application with regards to impact on local air quality and noise controls proposed are satisfactory.

EHPS have recommended that a Dust Management Plan is required by so that the amenity of the local area, including nearest residential receptors, and the users of the nearby public footpath are not affected.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer; no objection.
- Footpaths Officer; no objection subject to a condition requiring a scheme of detailed footpath improvements.
- Public Protection Officer (outsourced to external consultant Enzygo Limited)

Enzygo Limited were commissioned to assess the air quality and dust impact assessment and the Noise and vibration assessment. Following the initial consideration of the submitted assessments, Enzygo Limited recommended further dust and noise assessments were undertaken.

On receipt of the further dust impact assessment and addendum to the noise and vibration assessment, Enzygo Limited have confirmed that with the proposed mitigation measures, dust, noise and vibration could be controlled to acceptable levels. A condition would be required to ensure that best practice noise and dust management measures are employed on site, a dust management and monitoring strategy would be required by condition and noise limits should be conditioned, along with the requirement to monitor noise throughout the life of the development.

- Ecology Officer; no objection to the application subject to conditions in relation to the control of invasive non-native species, protected species protection, restoration to ensure successfully managed restoration for nature conservation, and the control of lighting.
- Tree/Landscape Specialist; no objection to the application.

RESPONSE TO PUBLICITY: -

In objection

Representations received from:

Yvonne Lloyd, Bron Haul, Henllan Place, Denbigh (O)Karen McAulay, Lliwen, Prion (O)Chiara Sirianni, 111 Bryn Seion, Denbigh (O)Anna Holley, 33 Myttion Park, Denbigh (O)David Lloyd, 22 Cysgod Y Graig, Denbigh (O)Sadie Rhea Williams, 54 Bryn Seion, Denbigh (O)Sian Lloyd Davies, 34 Park Street, Denbigh (O)Karen Dunford, Tyn Y Graig, Betws GG (O)Dafydd Cunningham, Bryn Dedwydd, Denbigh (O)Tracy Jones, 45 Grove Road, Denbigh (O)Shelley Jones, 26 Pistyll, Holywell (O)Lezli Mountcastle-Wingeat, 14 Rhos Street, Ruthin (O)Simon Classon, 54 Pen Y Graig, Denbigh (O)Leaf Pettit, 2 Hendre Cottages, Llanelidan, Ruthin (O)Helen Packer, Fach Gau, Groes, Denbigh (O)Paula Roscoe, 1 High Park, Gwernaffield (O)Jane Morrow-Winn, Bryn Awel, 65 Beacons Hill, Denbigh (O)Emyr Thomas, 20 Cysgoed Y Graig, Dinbych (O)Hazel Foulkes, 5 Ffordd Celyn, Denbigh (O)Katie Jones, 9 Bryn Onnen, Denbigh (O)Hannah Sabrun, LL16 4BA (O)Dawn Biott, 2nd Floor Rock House, Highgate, Denbigh (O)Helen Job, 2 Maes Garnedd, Peniel, Denbigh (O)Charlotte Tomkins, 19 Arfon Grove, Rhyl (O)Sadie Rhea Williams, 54 Bryn Seion, Denbigh (O)Gwilym Jones, 71 Bryn Seion, Denbigh (O)Heddwen Gunes, 76 Vale Street, Denbigh (O) Clwyd Wynne, 25 Accar y Forwyn, Denbigh (O)Chris Baldwin, 2 Pen Dinas, Parc Derwen, The Green (O) x2Craig Beaton, 111 Bryn Seion, Denbigh (O)Mark Kelly, Yr Hen Efail, Tremeirchion (O)Mr K Needham, 22 Accar y Forwyn, Denbigh (O) Harriet King, 9 Tower Terrace, Denbigh (O)Helena Cawthray, Glan Lliwen, Nantglyn (O)Katharine Noden, 10 Lon Alun, Denbigh (O)Eifion Smith, 93 Bryn Seion, Denbigh (O)Carly Jones, 17 Accar y Forwyn, Denbigh (O)Mairead Edwards, Bryn Seion, Denbigh (O)Angharad Tucker, 17 Bryn Seion, Denbigh (O)Keith Brazier, 165 Ffordd Coppy, Denbigh (O)Sharon Jones, 2 Lon Caerau, Denbigh (O)John Allison, 12 Lon Alun, Denbigh (O)Delyth Allison, 12 Lon Alun, Denbigh (O)Stephen Williams, 21 Bryn Onnen, Denbigh (O)Scott Dumayne, 14 Bryn Onnen, Denbigh (O)Laura Moore, 5 Graig Terrace, Denbigh (O)Adele Thomas, 3 Rose Villas, Middle Lane, Denbigh (O)Catherine Davies, 42 Crud Y Castell, Denbigh (O)Joseph Daniel Loney, 115 Bryn Seion, Denbigh (O)Lianne Williams, 2 Blaen Y Coed, Denbigh (O)Anita Williams, 21 Bryn Onnen, Denbigh (O) Sandra Williams, 2 Llewelyns Estate, Denbigh (O)William Jones, 2 Lon Caerau, Denbigh (O)Sarah Zielonka, 61 Bryn Seion, Denbigh (O)Nest Houghton, 25 Castle View, Denbigh (O) Carol Ann Wynne, 25 Accar Y Forwyn, Denbigh (O)Sandra Wilberforce, 23 Garrong Close, Edgewater, W Australia (O)David Thomas, 3 Rose Villas, Middle Lane, Denbigh (O)Norman Wells, 3 Grove Road, Denbigh (O)Anne Weeks, 7 Pont y Bedol, Llanrhaeadr (O)Angharad Edwards, 62 Bryn Seion, Denbigh (O)Ceri Roberts, 25 Grove Road, Denbigh (O)Gail McNab, 2 Cae Topyn, Denbigh (O)Isa Lamb, 19 Bryn Teg, Denbigh (O)Kerry Crayden, 8 Lon Ceiriog, Denbigh (O)Ruth Crowther, Gors, Rhiw, Groes (O)Stephen Tootell Bryn Clwyd, Brookhouse Road, Denbigh (O)Nicola Forshaw, 10 Llys Thomas Jones, Denbigh (O)Vikki Leah, 123 Bryn Seion, Denbigh (O)Jo Morris, 57 Beacons Hill, Denbigh (O)Jenny Franklin, 12 Lon Ceiriog, Denbigh (O)Mr & Mrs D A Roberts, 28 Parc y Llan, Henllan (O)Menai Baugh, Clydfa, Ffordd Eglwyswen, Dinbych

(O)Keith Jones, 27 Cysgod y Graig, Denbigh (O)Ieuan Wynne Lewis, 14 Lon Alun Colomendy Estate, Denbigh (O)Peter Davies, Gwaenynog Cottage, Denbigh (O)Rachel Nash, 2 Plas Chambers Farm, Denbigh (O)Caitlin Forshaw, 10 Llys Thomas Jones, Denbigh (O)Beverley Kelly, 11 Bronant Estate, Trefnant (O)David & Patricia Cairns, 24 Hilary Close, Denbigh (O)Sue Williams 40 Ffordd Colomendy, Denbigh (O)Alwyn Thomas, Werndeg, Park Street, Denbigh (O)Betty Thomas, Werndeg, Park Street, Denbigh (O)Catrin Hughes, Gwenallt, Park Street, Denbigh (O)Fiona Roberts, 33 Maes Glas, Denbigh (O)Clwyd Nash 24 Lon y Fedwen Arian, Denbigh (O)Gavin Jones, Accar y Forwyn Denbigh (O)Glyn Edwards, 18 Abbey Court, Denbigh (O)Leyla Beattie, 35 Llys Gwydyr, Denbigh (O)John Myddleton, 25 Parc Y Llan, Henllan (O)Gwyneth Kensler, 44 Vale Street, Denbigh (O)Kirsten Sedgwick, 2 Church Street, Llanfair TH (O)John Musgrave, 19a Park Street, Denbigh (O)Sian John, Dol Fechlas, Bodfari (O)Lisa Roberts, 1 Llewelyns Estate, Denbigh (O)Brenda Mason, 38 Gwalia Villas, Castle Hill, Denbigh (O)Gwyneth Jones, 1 Bryn Seion, Denbigh (O)Tom Simkiss, Leicester Terrace, Denbigh (O)Alison Gage, 10 Clwyd Avenue, Denbigh (O)Amanda Roberts, Bryn Seion, Denbigh (O)Dr Sharon Griffiths, Bimeda, 23/24 Colomendy Ind Est. Denbigh (O)Colin Moore, 105 Bryn Seion, Denbigh (O)Sophie Maguire, 58 Pen Y Graig, Denbigh (O)Christopher Griffith, 58 Pen Y Graig, Denbigh (O)Liz Kameen, Church House, Prion (O)Leah Thomas, 20 Cysgod Y Graig, Denbigh (O)Mari Roberts, 3 Lon Y Fedwen, Arian (O)Beti Thomas, 26 Llys Gwydyr, Denbigh (O)Victoria Mulholland, Gwyfan, Beacons Hill, Denbigh (O)Megan Loney, Glanfa Morfa, Bychan, Porthmadog (O)James Garvey, 61 Maes Y Goron, Denbigh (O)Meryl Jones, 24 Accar Y Forwyn, Denbigh (O)B Roberts, 40 Bryn Seion, Denbigh (O)Phoebe Lewis, Gwylfa, 69 Bacons Hill, Denbigh (O)Clwyd Griffiths, 10 Chapel Place, Denbigh (O)Seth Cunliffe, 5 Graig |Terrace, Denbigh (O)Faye Stephens, Lleweni, Wern Uchaf, Ruthin (O)Andrew Garvey, 22 Bro Deg, Ruthin (O)Gareth Davies MS, Welsh Parliament, Cardiff Bay (O)Dr James Davies MP, House of Commons, London (O) Llyr Gruffydd MS, Welsh Parliament, Cardiff Bay (O) Steve Caruthers, 15 Vale Street, Denbigh (O)Emma Robshaw-Jones, Cynythog, Abbey Road, Denbigh (O)Margaret Hards, Seler, Llangynhafal (O)Rebecca Jones, 42 Bryn Garth, Denbigh (O)Mazhar Iqbal, Plas Clough Barn, Graig Road, Denbigh (O)Timothy B Webb, 25 Park Street, Denbigh (O)Josephine Brett, Segrwyd Mill Cottage, Nantglyn, Denbigh (O)Jane Shaw, Gelli'r Bugail, Llandyrnog (O)Margaret Roberts, 91 Bryn Seion, Denbigh (O)Christine Thomas, 3 Llys Y Gamog, Denbigh (O)Bleddyn Jones, 8 Lon Y Fedwen Arian, Denbigh (O)Susan Vaughan-Jones, 4 Caer Gofaint, Groes (O)Sarah Cumming, 34 Trewen, Denbigh (O)Melanie Davies, 41 Llewelyns Estate, Denbigh (O)Charlotte Roberts, 5 Lon Llewelyn, Denbigh (O)Michael Hind, Plas Clough Farm, Denbigh (O)Brbara Manley, 20 Park Street, Denbigh (O)Dr Michael Toman, 1 Bryn Onnen, Denbigh (O)Kate Wright, Tryfan Uchaf, Henllan (O)Lee Evans, Gardd Amos, Tan y Fron,Bylchau (O)Matthew Alexander Jones, Maes y Goron, Denbigh (O)Jeni Murgatroid, 45 Maes y Dre, Denibgh (O)John Wynne, 4 Accar y Forwyn, Denbigh (O)Florence Wynne, 4 Accar y Forwyn, Denbigh (O)Mair Jones, Gwenallt, 14 Beacons Hillll, Denbigh (O)Linda Tucker, Coed Bedw, Henllan (O)Georgina Haf Robertshaw, 48 Love Lane, Denbigh (O)John Stewart, Bryn Meirchion, Hen Lon, Henllan (O)Nicola Evans, 11 Maes Gruffydd Trefnant (O)Eve Beckwith, 4 Llys Tan y Griag, Denbigh (O)Leslie Prescott, 121 Bryn Seion, Denbigh (O)Steve Knightly, 1 Bryn Onnen, Denbigh (O)Sian Sullivan, 73 Fairwater Grove East, Cardiff (O)Carol Hughes, 53 Beacons Hill, Denbigh (O)Prue Stothard, 7 Chetwynd Close, Prenton Wirral (O)Margaret Pritchard, 2 Smithfield Road, Denbigh (O)Eirian Roberts, 10 Cysgod y Graig, Denbigh (O)Linda Pritchard, 32 Bryn y Garth, Denbigh (O)Julie OHara, Clwydfan, Llanrhaeadr (O)Alisoin Bromley, 9 Cysgod y Graig, Denbigh (O)Sydney Van den Broeck, Werna, Ruthin Road, Denbigh (O)Joanne Taylor, 24 Bryn Onnen, Denbigh (O)Huw Edwin Davies, 17 Bryn Onnen, Denbigh (O)John Jones, 11 Lon Alun, Denbigh (O)John Roberts, Erw Las, Ruthin Road, Denbigh (O)Ela Jones, 1 Crud yr Awel, Denbigh (O)John Jones, 16 Accar y Forwyn, Denbigh (O)Catrin Jones, 1 Crud y Castell, Denbigh (O)Elizabeth Karen Roberts, Bryn Celyn, Denbigh (O)Davina Roberts, 34 Bryn GArth, Denbigh (O)Emily Horton Jones, Lon y Fedwen Arian, Denbigh (O)Walter & Anne Roberts, Hendre, Ffordd Eglwyswen Dinbych (O)Sian John, 5 Graig Terrace, Denbigh (O)James Grenville Rowse, 21 Accar y Forwyn, Denbigh (O)Gillian Parry, 9 Bryn Onnen, Denbigh (O)Kathryn Carman, Clearmont, Llanychan (O)Les Prescott, 121 Bryn Seion, Denbigh (O)Mrs June Pugh, Graig Farm, Denbigh (O)Margaret Croker, 58 Bryn Seion, Denbigh (O)Lindsay Griffin, 36 Pen Y Graig, Denbigh (O)David Wynne, 11 Cysgod Y Graig, Denbigh (O)Susan Foulkes, 10 Hillside, Denbigh (O)Dafydd Jones, Glyn Garth, Ruthin Road, Denbigh (O)Frances Knightley, 1 Bryn Onnen, Denbigh (O)Sue Hewitt, 36 Pen Y Graig, Denbigh (O)Emma Cato, 3 Bryn Seion, Denbigh (O)Sue Kilcullen, 15 Bryn Onnen, Denbigh

(O)John Houghton, 10 Heol Hendre, Rhuddlan (O)Douglas Morgan, 23 Accar Y Forwyn, Denbigh (O)Ellena Lillie, 8 Blaen Y Coed, Denbigh (O)Rob Parkes, Bwa Fflat Cottage, Bakerswell Lane, Denbigh (O)Justin Andrews, 8 Blaen Y Coed, Denbigh (O)Julia Parkes, Bwa Fflat Cottage, Bakerswell Lane, Denbigh (O)Darren Jones, 8 Lon Ceiriog, Denbigh (O)Haf Hughes, 1 Stable Cottage, Bull Lane, Denbigh (O)Karen Littler Jones, 13 Bishops Walk, St Asaph (O)Sam Noden, 10 Lon Alun, Denbigh (O)Sioned Sellers, 15 Accar Y Forwyn, Denbigh (O)Joshua Stocker, 18 Post Office Lane, Denbigh (O)Dyfrig Berry, Bodaeron, 10 Lon Nant, Dinbych (O)Angela Davies, 6 Love Lane, Denbigh (O)Mark Eaglen, 6 Love Lane, Denbigh (O)Oliver Eaglen, 6 Love Lane, Denbigh (O)Simon Winn, Bryn Awel, 65 Beacons Hill, Denbigh (O)Gronwy Wynne, 20 Accar Y Forwyn, Denbigh (O)Peter Devenport, Nantgwyn, Nantglyn (O)Raymond Foulkes, 10 Hillside, St. Asaph (O)Janet Evans, Foundry Garage House, Chapel Place, Denbigh (O)Elfed Evans, Foundry Garage House, Chapel Place, Denbigh (O)Glenn Swingler, 27 Rhyl Road, Denbigh (O)Samantha Andrews, 40 Ffordd Caledfryn, Denbigh (O)Lesley Hughes, Hafod, Plas Isaf, Llangynhafal (O)Chris Evans, Maes Onnen, Love Lane, Denbigh (O)Gwenda Roberts, 14 Accar Y Forwyn, Denbigh (O)Chloe Simpson, 79 Maes Y Goron, Denbigh (O)Lisa Roberts, 48 Love Lane, Denbigh (O)Glenda Bibby, Plas Rhos, Hen Ffordd Rhuthun, Dinbych (O)Ruth Ellershaw, 52 Bryn Garth, Denbigh (O)Amanda Roberts, 15 Church Street, Rhyl (O)Laura Delves, 5 Chapel Street, Trefnant (O)Marcus Shipman, 5 Chapel Street, Trefnant (O)Gunars Grinvalds, 34 Bryn Onnen, Denbigh (O)Sara Vernon, 11 Bryn Teg, Denbigh (O)Elen Parry, Bod Hafod, Bryn Dedwydd, Dinbych (O)John & Danice Smith, 26 Meifod Road, Henllan (O)Ann Smith, 26 The Green, Denbigh (O)Andrew Garner, 71 Erw Salisbury, Denbigh (O)Nis Evans, Brynia, Valley Road (O)Gareth Davies, Graig Road, Denbigh (O)Edward Jones, 31 Middleton Avenue, Denbigh (O)Beverley Roberts, 28 Chapel Place, Denbigh (O)Merfyn Griffiths, 114 Bro Deg, Ruthin (O)Colette Hughes, 7 Maes Y Graig, Bodfari (O)Coral Lloyd, 5 Bryn Onnen, Denbigh (O)Sue Williams, 40 Ffordd Colomendy, Denbigh (O)Pamela Parry, 34 Post Office Lane, Denbigh (O)Steven Pearce, 64 Love Lane, Denbigh (O)Nadine Hunt, 20 Abbey Road, Denbigh (O)Carole Lomax, 24 Cysgod Y Graig, Denbigh (O)Ann Bowen-Jones, 8 Ruthin Road, Denbigh (O)Paul Vernon, 48 Bryn Seion, Denbigh (O)Menna Jones, Rofft, Grove Road, Denbigh (O)Janice Jones, 14 Lon Tywysog, Denbigh (O)Linda Marshall, 5 Ffordd Penycod, Trefnant (O)Nicole Marshall, 5 Ffordd Pen Y Coed, Trefnant (O)Mike Marshall, 5 Ffordd Pen Y Coed, Trefnant (O)Brian Winn, 28 Clwydian Park Avenue, St. Asaph (O)Anna Cooper, Bod Hafod, Bryn Dedwydd, Denbigh (O)Sophie Neale, 31 Lon Y Fedwen Arian, Denbigh (O)Ruthi Williams, 6 Abbey Court, Dinbych (O)Nia Roberts, 20 Ffordd Meifod, Henllan (O)Mari Hughes, 12 Cysgod Y Graig, Denbigh (O)Elin Hughes, 29 Post Office Lane, Denbigh (O)Jamie Hughes, 29 Post Office Lane, Denbigh (O)Gwenno Owen-Jones, 12 Cysgod Y Graig, Dinbych (O)Mike Hughes, 12 Cysgod Y Graig, Denbigh (O)Iwan Roberts, Pentre Cader, Nantlyn Dinbych (O)Ruth Ellershaw, 52 Bryn Garth, Denbigh (O)Heidi Ridder Jones, 63 Bryn Garth, Denbigh (O)Manon Evans, Foundry Garage House, Chapel Place, Denbigh (O)Tomos Jones, 12 Cysgod Y Graig, Denbigh (O)Elin Wyn Hughes, 29 Post Office Lane, Denbigh (O)Mrs E K Jones, 8 Lon Alun, Denbigh (O)Yvonne Lloyd, Bron Haul , Denbigh (O)Chris Griffith, 58 Pen Y Graig, Denbigh, LL16 3YY (O)Eifion Smith, 93 Bryn Seion, Denbigh (O)Stephen Lloyd, Bron Haul, Henllan Place, Denbigh, LL16 3TN (O) Stephen Smith, 31 Heol Afon, St Asaph (O) K Needham, 22 Accar-Y-Forwyn, Denbigh (O)

Summary of planning-based representations in objection:

Health Impacts and 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 from the quarry
- Increased noise and dust and harmful particulates in the air
- Unacceptable levels of noise and disturbance from the quarry including reversing beepers and operational noise including blasting
- Increase in dust as a result of 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

- Loss of public open space
- Loss of Green space and natural environment used for leisure activities and learning about nature
- Loss of public footpath
- No benefit to the people of Denbigh
- Contrary to Denbighshire County Council's Policies on clear air
- Increase in harmful particulates in the air from heavy traffic
- Detrimental impact on tranquillity
- Odour
- Impact from Radon emissions
- Safety of the boundary treatment associated with the quarry

Impact from Blasting

- Structural impact on nearby properties causing cracks in plaster and external walls from blasting
- Noise, dust and disturbance from blasting
- Effect of mental health and well-being from blasting and properties shaking as a result of blasting at the quarry
- Risks from fly rock from blasting

Landscape and Visual Impact

- Detrimental impact on the destruction of landscape and harmful visual impact
- Detrimental impact on a historic landscape

Highway impact

- Loss of public rights of ways, byways and walkways
- Removing access to the SSSI woodland by extinguishing a public right of way
- Insufficient details provided in relation to the diversion of the public right of way
- Impact on the local highway network and its capacity to accommodate quarry vehicles
- Increase in pollution carbon emissions, noise and dust
- Contrary to Denbighshire County Council's policies on Active travel

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
- Impact on flora and fauna
- Impact on European Protected Species
- Impact on nesting birds
- Loss of trees/woodland, ancient woodland and the impact on carbon absorption
- Loss of topsoil and vegetation
- Irreversible harm to the ecosystem and loss of habitats

Other matters

- Geological effects that could threaten the water supply of local wells
- Ground water contamination
- Lack of restoration details
- Detrimental to Listed Buildings
- Impact on property values
- Contrary to Denbighshire County Council's policies on Climate Change and the goals of decarbonisation

- Loss of heritage

Land use planning matters

- Unknown future use for the site – potential risk of landfill
- Impacts on potential new housing allocations and other development in the locality
- There is no justification or need for the development
- Welsh Government should be the decision maker
- The proposal is a departure from the development plan
- Contrary to the Well-being of Future Generations Act 2015; contrary to the well-being goals.
- Contrary to Planning Policy Wales
- Delaying the restoration of the quarry site

In support

Representations received from:

Paul Jones, 8a Llys Dyffryn, Denbigh (S)
 David Bell, The Barn Siglen Uchaf, Llangynhafal (S)
 Rob Maurice Jones, Alyndale, Rosset, Wrexham (S)
 Robin Evans, Tir Y Coed, Penrhyndeudraeth, Gwynedd (S)
 Brian Owen, The Garage, Old Smelt Road, Coedpoeth (S)
 Sarah Owen, Toddfa, Old Smelt Road, Coedpoeth (S)
 Caroline Williams, Lon Glyn, Colomendy, Denbigh (S)
 Ian Williams, Lon Glyn, Colomendy, Denbigh (S)
 Meurig Jones, Williams & Williams, Melin Plas Du, Y Ffor (S)
 David Roberts, Llwyn Yr Ewig, Llanarmon Yn Ial (S)
 Lorraine Bevan, Glan Aber, Caergwrle (S)
 John Bevan, Glan Aber, Caergwrle (S)
 NFU Cymru, Ty Amaeth - Agriculture House, Builth Wells (S)
 Sioned Carey, Newlyn, Newton Road (S)
 Lee George, 40 Glan y Fedw, Betws yn Rhos (S)
 Tina Jones, Maes y Dre, Caerwys (S)
 Christopher Bryan, 41 Stryd y Wennol (S)
 Gayle George, Ty Calan Gaeaf, Betws yn Rhos (S)
 Robert Davies, 8 Porth y Dre, Ruthin (S)
 Kieran Power, 83 llys y Groes, Wrexham (S)
 Lee Mckee, 94 Upland Avenue, Connahs Quay (S)
 Malcolm Ellis, Bryn Elian, Blaenau Ffestiniog (S)
 John Roberts, 3 Mount Pleasant, Porthmadog (S)
 Gareth Blythin, 11 Violet Grove, Prestatyn (S)
 Gareth Bryn Jones, 19 Tudor Avenue, Prestatyn (S)

Summary of planning-based representations in support:

- Economic development and opportunities
- Continuation of employment at the quarry
- Sustaining employment and bringing business and employment to the Vale of Clwyd helping the local economy by employing local operators, hauliers, fitters, plant hire companies and other associated businesses indirectly benefiting from the quarry expansion
- Economic benefit local businesses
- Minerals are needed for everyday use
- The quarry supplies essential materials for builders, construction and agriculture
- A local supply of quarried materials would reduce traffic/travel for supplying quarry products which ensures prices for quarry products don't rise due to increased distances
- Supports the diversion of public footpath rather than its removal
- Supports the screening of the site by perimeter planting to minimise visual impact
- The quarry support the local community with charitable donations and support.

EXPIRY DATE OF APPLICATION: 16.08.2022

EXTENSION OF TIME AGREE: 31.01.2024

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant and Regulation 24 Consultation required
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal seeks permission for a consolidating application which would effectively consolidate the current planning permission at Denbigh Quarry and in addition it includes a lateral extension to the west of the working area that would release approximately 4.4 million tonnes of saleable mineral, giving an overall life of mineral extraction of 25 years on the current extraction rates. The proposal also includes the importation of inert waste to facilitate the restoration of the quarry to amenity land and for the purposes of nature conservation.
- 1.1.2 This consolidating application includes the existing limestone quarry extraction activities consented under reference 01/2019/0757, comprising approximately 28 hectares and a proposed lateral extension to the west of the existing quarry void, comprising approximately 5 hectares and 4.4 million tonnes of limestone. The application would allow the extraction of the remaining limestone reserves within the consented site, and continuation of the working to the west; along with the importation of inert restoration material to bring levels back up to original ground levels on the north and lower elevations in the main body of the quarry.
- 1.1.3 The extant planning permission reference 01/2019/0757 expires on 31 August 2028. Should planning permission be granted, the period of quarrying is expected to continue for a period of an additional 25 years at an annual exportation rate of 200,000 tonnes per annum. The site would be progressively restored over five phases using overburden and onsite soils and also by importing inert restoration material (100,000 tonnes per annum) derived from construction, demolition and excavation operations. This would involve progressive restoration as the extraction progresses into the next phase.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is accompanied by an Environmental Impact Assessment, Planning Statement and Waste Planning Assessment which provides background information on the need to expand and the life of the quarry, and the need for restoration. Existing extraction rates are in the region of 200,000 tonnes per annum, and 100,000 tonnes per annum of inert restoration.
- 1.2.2 Further information was requested during the consideration of the application pertinent to the dust assessment and the noise and vibration assessment. This request was made under Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. An addendum to the Noise Assessment and a further Dust Impact Assessment has been provided at the request of the Mineral Planning Authority and a consultation was undertaken in accordance with the 2017 Environmental Impact Assessment Regulations.

1.3 Description of site and surroundings

- 1.3.1 Denbigh Quarry (also known as Graig Denbigh Quarry) is an active limestone quarry, located to the north of the town of Denbigh. The permitted site comprises approximately 28 hectares of land with the proposed extension area amounting to a further 5 hectares. The current use of the application extension area is predominantly agricultural land used for grazing/pasture.
- 1.3.2 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 exiting Quarry and adjacent to the extension area is a Site of Special Scientific Interest (SSSI) and another SSSI (Graig Quarry) is situated 150 metres to the southeast. The existing quarry is, itself, bound on the east by Fford y Graig/Graig Road, with the Colomendy Industrial Estate situated further to the east.
- 1.3.3 The Quarry is accessed off Ffordd y Graig/Graig Road via a purpose-built access road. To the south of the quarry entrance is a concrete batching plant, now operated by the applicant. This concrete batching plant is subject to a separate planning permission and therefore is not included within this consolidating planning application.
- 1.3.4 The closest residential dwellings are located to the south of the quarry over 250 metres away from the quarry boundary existing and proposed quarry boundary. There is one right of way that transects the extension area, and further are a number of public rights of way that surround the site.

1.4 Relevant planning constraints/considerations

- 1.4.1 The existing quarry is located within the Mineral Safeguarded Area (PSE15), however the extension area outside of this designation, adjacent to, but outside the development boundary of Denbigh as shown in the adopted Denbighshire Local Development Plan. As outlined above, the site is also in close proximity to Crest Mawr Wood Site of Special Scientific Interest (SSSI) and Graig Quarry SSSI.

1.5 Relevant planning history

- 1.5.1 The most recent planning permission, reference 01/2019/0757 was granted on 3rd October 2022 to allow the remaining reserves to be extracted over a longer period, until 31 August 2028. The permission was subject to a number of detailed conditions.
- 1.5.2 The site is subject to a Section 106 legal agreement which was tied to the 1992 planning permission and subsequently has been varied by a deed of variation as condition of granting permission reference 01/2019/0757. The existing legal agreement and deed of variation effectively 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. The deed of variation extends the management to include Crest Mawr SSSI and requires a management plan for both Ty Crest Wood and Crest Mawr 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.

1.6 Developments/changes since the original submission

- 1.6.1 As noted above, planning permission was granted in 2022 under reference 01/2019/0757 to vary the time limiting condition to allow additional time to work the remaining permitted reserves. At the time the planning application was drafted in 2020, the remaining reserves were in the region of 800,000 tonnes which has continued to be

worked at around 200,000 tonnes per annum. As such, the reserves have continued to deplete as the quarry has continued to work.

- 1.6.2 As stated above, an addendum to the Noise Assessment and a further Dust Impact Assessment has been provided to assist the Local Planning Authority in its determination of this application.

1.7 Other relevant background information

- 1.7.1 The quarry has a long history of quarrying activity, as it is understood it has been in existence for several hundred years. However, planning controls at the site were first introduced in 1948.
- 1.7.2 The most recent planning permission, reference was granted on 3rd October 2022 under reference 01/2019/0757 (subject to Section 106 legal agreement deed of variation) to vary the time limiting condition to allow additional time to work the remaining permitted reserves.
- 1.7.3 The applicant has undertaken formal pre-application consultation as required by the Town and Country Planning (Development Management Procedure) (Wales) Order, 2012 as amended by the 2016 Order.
- 1.7.4 A request for the Local Planning Authority to provide a formal Scoping Opinion for the proposal was made prior to the submission of the planning application. The Scoping Opinion was issue on 14th August 2019.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Reference 01/2019/0757: Variation of condition No.1 of planning permission 01/2009/1424/PS to allow continuation of extraction of permitted reserves to 2028. GRANTED subject to Section 106 agrement deed of variation and conditions on 03.10.2022
- 2.2 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 15.03.2009 subject to a Section 106 legal agreement
- 2.3 Reference 5/11355: Extension to and restoration of the quarry GRANTED on 23.10.1992
- 2.4 Reference 2/1385: An extension to the quarry GRANTED on 18.02.1975
- 2.5 Reference 2/517: An extension to the quarry GRANTED on 23.01.1962
- 2.6 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:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE15 – Safeguarding minerals

Policy PSE16 – Mineral buffer zones

Policy PSE17 – Future mineral extraction

Policy VOE1 - Key areas of importance

Policy VOE4 – Enabling development

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy VOE7 – Locations for waste management

Policy VOE8 – Waste management outside development boundaries

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Listed Buildings

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Welsh Government 'Chief Planning Officers' letter dated 11 October 2023 updating Chapter 6 of Planning Policy Wales with regards to Net Benefit for Biodiversity

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 11 Noise (1997)

TAN 18 Transport (2007)

TAN 21 Waste (2017)

TAN 23 Economic Development (2014)

TAN 24 The Historic Environment (2017)

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)

Other material considerations

Regional Technical Statement Second Review (2020)

Statement of Sub-Regional Collaboration for North East Wales (2021)

Towards Zero Waste (June 2010)

Beyond Recycling (2021)

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 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

Section 4 of the report refer to all statutory requirements, policies and 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 minerals
- 4.1.3 Loss of Agricultural Land
- 4.1.4 Landscape and Visual amenity including impact on trees
- 4.1.5 Residential Amenity and health risks; blasting, noise and dust/air quality
- 4.1.6 Ecology and Nature Conservation
- 4.1.7 Highways, traffic and transportation
- 4.1.8 Public rights of way and open space
- 4.1.9 Archaeology and Built/Cultural Heritage
- 4.1.10 Hydrology and Hydrogeology
- 4.1.11 Restoration, Aftercare and long-term management
- 4.1.12 Net Benefit for Biodiversity
- 4.1.13 Economic benefits
- 4.1.14 Community Benefit Fund
- 4.1.15 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 at this site, 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 in this location. Furthermore, mineral extraction can only take place where the mineral is found to occur and there is known limestone resources in the application area.

The Site is located outside of the Development Boundary in the adopted Local Development Plan. The land is protected in the adopted Local Development Plan as a Mineral Safeguarding Area under Policy PSE 15 to prevent sterilisation of known mineral resource from non-mineral development.

Minerals are an essential part of the economy and enable the majority of other developments to occur. It is considered to be far more sustainable to work new consented reserves immediately adjacent to where there is existing plant and infrastructure/good transport links rather than to seek the disturbance of a greenfield site where multiple 'less optimal' solutions may be required. The quarry site is also located close to strategic and regional road networks.

Minerals Technical Advice Note 1: Aggregates (MTAN1) recognises that in dealing with applications for new mineral extraction, the plan-led system is best placed in determining the most suitable locations and that future extraction should only take place in the most environmentally acceptable locations.

PPW11 states that extensions to existing mineral working, whether they be extensions of time, or lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.

The planning application has been submitted with an accompanying Environmental Statement considering all the relevant and key material planning considerations as set out within the Council's Scoping Opinion issued on 14th August 2019 under reference 1/2019/0573 for the consideration of a planning application to extend Denbigh Quarry as proposed in this application. The material planning considerations associated with the application will be examined in the following section of this officer appraisal within this report.

PPW11 continues to state that the presence of an existing quarry should be a material consideration when considering a proposal for an extension. It is considered that there are benefits to extend the existing Denbigh Quarry, as opposed to developing a new greenfield site as there is existing in site infrastructure such as the concrete batching plant located at the site and operated by the applicant. Should planning permission be refused, essential raw materials required to produce concrete, and operate the plant would need to be imported to the site. Should planning permission be granted, the concrete batching plant would be supplied by the limestone won and worked from this quarry.

It is considered that the principle of winning and working limestone in this location is established and evidenced from the above.

4.2.2 Need for aggregate minerals

The provision of minerals, and meeting the needs of society are considered under Section 5.14 of PPW11 which recognises that:

"Society needs, and will continue to need for the foreseeable future, a wide range of minerals ... Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure".

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.

Policy PSE 17 – 'Future mineral extraction' of the adopted Denbighshire Local Development Plan states that in criterion ii):

"Applications for the extraction of aggregate minerals will only be permitted where it is necessary to maintain stocks of permitted reserves having regard to the Regional Aggregate Working Party apportionment figures, or, where no figure exists, the demonstrated need of the industry concerned."

For the purpose of strategic minerals planning, the Regional Technical Statement Second Review (RTS 2) establishes a set of sub-regions in Wales that are based on a number of factors such as, type of mineral, supply patterns, minimal movement of aggregates or distinctive market areas. The RTS 2 projects future demand for aggregates so that mineral development can be planned for in a managed and proportionate way by Local Planning Authorities (LPAs) to provide a steady and sustainable supply of construction aggregates to meet the predicted need. The RTS 2 provides strategic recommendations to each LPA regarding their apportionments and indicates the likelihood of new allocations, which may need to be made in the next LDP, to meet the predicted future demand throughout the relevant plan period.

Denbighshire County Council endorsed the RTS 2 on 26th January 2021. With regards to the Denbighshire Local Authority area, the RTS 2 does not require Denbighshire to make any crushed rock allocations based on the permitted reserves and the apportionment figure calculated in the RTS 2.

The RTS 2, introduces the requirement for all LPAs in each sub-region to prepare a Statement of Sub-Regional Collaboration (SSRC) where individual local authority areas cannot meet their stated apportionment. The adoption of an SSRC would not only ensure that the overall sub-regional apportionments can be met, it also can be used as crucial evidence for demonstrating that the adopted, or forthcoming Local Development Plan will provide the objectively assessed need for minerals over the plan period. Furthermore, any Statement of Sub-Regional Collaboration is a material planning consideration in the determination of planning applications. The Counties of Denbighshire, Flintshire and Wrexham form the North East Wales sub-region.

Whilst the RTS2 states that Denbighshire, as a Local Authority Area would not need to provide any allocations for crushed rock due to the current landbank, the need for crushed rock mineral on a sub-regional scale, is demonstrated through the requirement in the RTS 2 for the North-East Wales sub-region to allocate an additional resource of 36 million tonnes.

A sub-regional collaboration agreement for the North-East Wales sub-region is now in place between Denbighshire, Wrexham and Flintshire. The North-East Wales Statement of Sub-Regional Collaboration (SSRC) states that;

“This SSRC confirms that the authorities of the North-East Wales sub-region have agreed that any shortfall of crushed rock would be considered as a sub-regional apportionment shortfall, and this shortfall would be met by either; extensions to existing crushed rock quarries in the sub-region, or a new crushed rock quarry site also within the sub-region. A new site promoted by a landowner or minerals operator provides far more certainty to delivering the sub-regional apportionment as opposed to a blanket ‘area of search’ or ‘preferred area’ approach proposed in an LDP.”

This document has been agreed and endorsed by all the Local Authorities in the sub-regional area. On 7th April 2021, the members of the Denbighshire County Council Strategic Planning Group endorsed the adoption of the SSRC. This was then followed by a delegated decision to adopt the SSRC made by the Lead Member for Planning, Public Protection and Safer Communities on 22nd April 2021.

As stated above, the sub-regional minimum allocation required to meet the projected provision is 36 million tonnes. Planning permission for a large lateral extension of Hendre Quarry in Flintshire has been granted. Furthermore, the allocations set out in the Flintshire Local Development Plan have now been adopted. With these allocations and planning permission to extend Hendre Quarry, there remains a shortfall of a minimum requirement of 3 million tonnes for crushed rock over the plan period, on a sub-regional scale.

The proposed extension at Denbigh Quarry that would yield approximately 4.4 million tonnes, would therefore meet that sub-regional need for crushed rock aggregate as

set out in the adopted SSRC for the North-East Wales sub-region. It is considered therefore, that there is a demonstrable need and evidence base for this proposed extension at Denbigh Quarry. The evidence stated above with regards to the endorsed RTS 2 and the adopted SSRC provides the evidence of a demonstrable need for crushed rock on a sub-regional scale in North-East Wales. As such, it is considered that the proposal is in compliance with the provisions of PPW11, MTAN1, Policy PSE17 of the adopted Denbighshire LDP.

Due to its location, it is considered that Denbigh Quarry has a key strategic role in limestone product supply. With regards to the later part of Policy PSE17, criterion ii), the applicant has provided evidence that there is a local need to supply local markets of crushed rock for construction and also for the application of agricultural lime. Markets will be further explored in the economic benefits section of the report.

4.2.3 Loss of Agricultural Land

Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 11 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

An Agricultural land Classification (ALC) report has been prepared to support the application. The report found the application area to be 1.5 hectares ALC Grade 2, 2.5 hectares Subgrade 3a and 1.0 hectares 'Non-Agricultural' land – a total of 5.0 hectares surveyed which comprises the extension area only. The ALC survey was carried out and undertaken in accordance with the *'Revised Guidelines and Criteria for Grading the Quality of Agricultural Land'* (MAFF 1988) and the Welsh Government Soil Policy and Agricultural Land Use planning unit have confirmed that this can be accepted as an accurate reflection of the land quality on the site. This confirms that the proposed extension application site, if approved, would involve the loss of 4.0 hectares of Best and Most Versatile (BMV) agricultural land (ALC grade 2 and 3a).

The submitted consolidation restoration plans for the entire quarry site identifies the proposed after-use to be amenity/nature conservation (creation of priority habitat – Calcareous Grassland and new woodland planting) and not agricultural. This is mainly due to the lack of suitable soils on site. The lack of soils would not give certainty that the quality of restored land would be capable of supporting an agricultural after-use.

Having considered this proposal in light of the PPW11 with regards to the provision for the protection of BMV agricultural land and Schedule 5 of the 1990 Act; and, MTAN1 Aggregates (Annex D), the Welsh Government Soil Policy and Agricultural Land Use Planning Unit does not object to this application.

Although the application would involve the permanent loss of 4 hectares of BMV agricultural land, in this case, considerable weight has been given to the protection of BMV agricultural land as per PPW paragraphs 3.58 and 3.59.

It has been concluded that the site search sequence and overriding need for the development has been established with regards to the demonstrable need for crushed aggregate in the sub-region which has been clearly set out above.

Furthermore, as mineral extraction can only take place where the mineral occurs, the sequential tests of considering a site which is previously developed land or land in lower agricultural grades to carry out this development is not applicable.

The Welsh Government Soil Policy and Agricultural Land Use Planning Unit does not object to this application and considers that an agricultural after use is not likely to be appropriate because of:-

- a) the lack of suitable soils available on site does not give certainty that the quality of restored land would be capable of supporting an agricultural after-use (MTAN 1 para 133).
- b) Insufficient material available to restore the land to reasonable contours in relation to the surrounding ground for an agricultural after use.

Whilst the proposal would involve the loss of 4 hectares of BMV agricultural land, it is considered that there is a demonstrable need for the crushed rock aggregate on a sub-regional scale as demonstrated by the sub-regional collaboration agreement, which would outweigh the loss of the BMV agricultural land, and therefore it is considered that the proposal would accord with the provisions of PPW11.

4.2.4 Landscape and Visual amenity including impact on trees

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 visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

Denbigh Quarry lies adjacent to, but outside of the Development Boundary. The site also lies along the western edge of the Vale of Clwyd, adjacent to the town of Denbigh, and some 5km to the west of the boundary of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). In terms of nationally significant landscapes NRW have agreed that due to the distance of the quarry boundary and Clwydian Range and Dee Valley AONB the proposed quarrying workings would not be expected to visually harm views from the AONB.

The Landscape and Visual Impact Assessment (LVIA) which accompanied the application has been carried out in accordance with the industry's guidelines (GLVIA 3rd Edition) and examines the anticipated effect on the landscape and visual amenity of proposed development.

It is considered that the assessment of viewpoints contained within the LVIA have been undertaken objectively. It is considered that the degree of adverse change would be reduced or mitigated by the proposed bund which would be constructed along the western boundary and screen planting proposed. A condition would be required to submit a detailed Landscape and Ecological Habitats and Aftercare Management Plan (LEMP) for each phase of the development.

The LVIA concludes that, due to the mitigation design, the impact of the operational phase of the Proposed Development upon landscape and visual receptors would be minimised and mitigated by planting, and no 'Significant' effects are predicted.

Given the distance from the designated landscape, the proposed quarry workings are not expected to visually harm views from the AONB. It is noted that the Landscape and Visual Impact Assessment (LVIA) that was submitted with the planning application that this has assessed one AONB view VP16 from Offa's Dyke path at Penycloddiau. NRW and the Council's Landscape advisor concurs that there would be a very low to no magnitude of visual change, resulting in a minor adverse effect during the operational phase, becoming neutral by year 15 (the point at which mitigation planting is expected to have matured and fulfil its intended purpose).

Impacts On Trees and Woodland

With respects to the impact of the development on trees and woodland, the extension site is situated to the south of Crest Mawr Wood, designated a Site of Special Scientific Interest (SSSI) and Ancient Woodland. The woodland compartment nearest to the proposed quarry extension area is classed as Restored Ancient Woodland. The proposed quarry extension area would not impact directly on any of these designated woodlands.

The unnamed woodland to the southeast of the proposed extension, outside of the proposed extension area is bisected by the existing quarry boundary. The southern part of this unnamed woodland, on the lower slopes and outside the quarry boundary, is subject to Tree Preservation Order Borough of Denbigh TPO 9 (W9). Parts of the woodland are also classed as Ancient Semi Natural Woodland or Plantation on Ancient Woodland. Residents have expressed concerns that the proposed extension would result in the loss of trees protected by Tree Preservation Orders. The proposed quarry extension area would not impact directly on any of these designated woodlands. The proposed extension would not result in the loss of any trees that are protected by Tree Preservation Orders.

The application states that advanced tree planting would be undertaken along the southern application boundary to allow for a period of maturation. However, to obtain material to create the proposed bund on the western boundary where tree planting is proposed, first, it would be initially necessary to remove the overburden within the extension area.

Phase 1 of the proposed development would also include the removal trees on the existing screening bund. Existing screening and planting on the bund has the appearance of a dense, wide and over height hedge and has been planted to act as screen between the existing quarry and the parallel public right of way (proposed to be diverted). The existing bund vegetation comprises of a varied mix of broadleaved tree and shrub species that performs effective screening but is considered to be of limited arboricultural merit.

Should planning permission be granted a Landscape and Ecological Habitats and Aftercare Management Plan (LEMP) would be required to be submitted prior to commencement of development of each phase. The LEMP shall include details of timings, of bund removal, and details of their placement, details of timings of the removal of the existing overburden in the extraction area, details of the bund's design, extent and timing of construction in relation to the proposed development should be required by condition to be submitted, prior to the commencement of development of each phase. Further consideration of the need for complete removal of vegetation in each phase and if some vegetation can be remain to act as screening.

On balance within the context of the rural landscape, where there are other scattered trees and additionally woodlands, the quarry extension would result in the loss of relatively few field trees.

Ash dieback is endemic in the landscape surrounding the proposed quarry extension area however the disease's effect on reducing screening would be considered to be negligible because common ash is a minor component species.

In conclusion with regards to landscape and arboricultural matters, the impact of the quarry extension on the landscape, and more specifically on trees and woodlands, has been minimised by firstly limiting the quarry extension area to the higher grazing land and secondly proposing a bund and tree planting to provide visual screening. These factors have reduced the anticipated impacts to an acceptable level and therefore there are no objections to the application from the Council's landscape/tree officer and there are no objections on landscape grounds from NRW.

Notwithstanding details for the bund and planting lack detail and these should be provided prior to the commencement of development in each phase as the proposal is heavily reliant on these elements to screen views from Denbigh and from the proposed diverted footpath.

If permission is granted these details could be secured by a planning condition requiring the submission of a Landscape and Ecological Habitats and Aftercare Management Plan for each phase. The details should not only include a landscape maintenance scheme but monitoring and reporting back to the Local Authority on an annual basis. NRW and the Council's Landscape and tree specialist do not object to the proposals. As such, it is considered that the proposal would accord with PPW11 and Denbighshire's Supplementary Planning Guidance Note on Trees and Landscaping.

4.2.5 Residential Amenity and Health Risks; blasting, noise and dust

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.

Blasting

The method of working the proposed quarry extension and the extraction of limestone at the application would involve a method of extraction which is referred to as blasting which involves the use of explosive to blast the material out of the quarry face. This is commonly used and is the current method of extraction at the site.

Residents have raised objections to the application including the effect of blasting on neighbouring properties. Some local residents believe blasting at the quarry is causing structural damage to the surrounding properties and have raised concerns with regards to the structural safety of these properties. There are also concerns that no blast monitoring data has been made available as part of the current 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 would be retained to control the level of blast vibration at the quarry through the imposition of a condition as currently is applied on the existing planning permission.

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 have been below the conditional limit of 6 mm/s ppv at a 95% confidence limit. North Wales Minerals and Waste Planning Service has undertaken their own blast monitoring which corroborates that the blasts at the quarry have been within the current limits.

The current conditional limit as set out in Condition No. 27 of the extant permission requires 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. Should planning permission be granted, this conditional limit of 6 mm/s ppv would be imposed as this is in line with recommendations set at a national level within MTAN1, 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 effect of blasting at the quarry is often felt by local residents. The blast event can cause ground vibration and can also cause vibration of the air which is known as 'air overpressure'. Whilst all blasting operations undertaken by the applicant's blasting contractor would be designed to minimise ground and 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 over the past 12 months over 9 blasting events demonstrates that air overpressure at sensitive receptors has been an average of 117 dB. On four occasions, air overpressure has been measured at 125 dB and 126 dB. The British Standard 6472 "*Guide to evaluation of human exposure to vibration in buildings*" indicates that air overpressure from blasting at the quarry is likely to cause complaint when over 120 dB. Whilst an air over pressure of over 120 dB is likely to cause complaint, 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 neighbouring properties at Graig/Denbigh Quarry. As such, there is no evidence to suggest that blasting at Denbigh Quarry would cause damage to properties as a result of air overpressure.

Another effect that is felt as a consequence of blasting at quarries is ground vibration which is the effect of the energy released from the blast travelling through the ground. 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. Furthermore, from the past 12 month period there have been a total of 9 blasts. The monitoring results provided to the North Wales Minerals and Waste Planning Service measured at a number of different monitoring locations have been an average of 2.275 mm/s ppv, the lowest being 0.6 mm/s ppv, and the highest 5.3 mm/s ppv. Some blast events did not trigger the monitoring machine which meant that the ground vibration was below the threshold to activate the ground vibration monitor.

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 12.7 mm/s ppv. This is significantly higher than the ground vibrations levels recorded from the blasting at Denbigh Quarry.

In addition to local residential properties raising concerns with regards to vibration, a neighbouring business located on the Colomendy Industrial Estate has also raised concerns with regards to the application and the effect of blasting on their business and their equipment. The company states that when blasting occurs, shockwaves, which vary in magnitude are felt throughout their facility which cause ongoing disruption to their day-to-day operations. However, as stated above, over the past 12 months, the quarry has only blasted 9 times ever 1 to 2 months and therefore would not cause daily disturbance to their operations. Furthermore, given the weight of the explosive typically used in the blasting event, taking into account its distance from the neighbouring business that has raised concerns, the predicted vibration would be well below the limit stated in MTAN1. The proposed extension area is twice the distance away from the current working area compared to this local business, therefore the levels of vibration should be lower than those currently and previously experienced.

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. The approved Blasting Protocol includes information such as pre-blasting notification, a complaints procedure, the frequency of blasting, information regarding warning sirens and other blasting related matters.

Condition No. 30 of the extant planning permission restricts the number of blast limits to 12 individual blasts per year. Members of the Denbigh Member Area Group have expressed concerns that in their opinion, this condition does not sufficiently control the number of blasts that would be permitted per month. For example, conditionally there is nothing preventing all 12 blasts occurring in one month. However, in practical terms, the number of blast events per month is restricted by the availability of working area on the quarry floor to process the won mineral. Notwithstanding this, the applicant has confirmed in order to provide reassurance to the Denbigh members and the local community, that they would accept a condition restricting the number of blasts per month as follows:

*“Unless otherwise agreed in writing with the Mineral Planning Authority, and except in the case of emergency, there shall be no more than **three** blasts in any one calendar month for the initial 12 months of the commencement development. After this time, there shall be no more than **two** blasts in any one calendar month, up to a maximum of 12 blasts in any 12-month period, throughout the life of the development”*

It is considered that the condition as drafted above would be reasonable and pass the tests of Circular WGC 016/2014. The quarry operator may require the flexibility in the first 12 months of developing the extension area to be able to blast more frequently as they may require two or three smaller blasts to initiate the ground preparation works to break ground and to progress into Phase 1. This wording would provide flexibility and therefore would be considered reasonable, whilst remaining precise and provide that certainty to residents and members on the frequency of blasting.

In any event, the approved blasting protocol requires pre-blasting notification to take place and therefore the number of blast events can be monitored accordingly. The North Wales Minerals and Waste Planning Service periodically monitor the blasts with their own calibrated vibrograph.

It is appreciated that blasting and the monitoring of blasting, measuring ground and air vibration is highly technical and scientific which may not be easily understood by members of the public. Therefore, efforts have been made to raise awareness of the implications of blasting in the area so that this matter could be fully understood. The applicant hosted a blasting presentation which was delivered by their blasting contractor on 18th November 2021. The applicant has confirmed that they are committed to arrange another awareness raising event with the intention to provide less technical information. It is intended to be a more practical event to discuss what happens during a blast and what this means for the local community and so that they can communicate how they feel during and after a blast event.

Whilst it is understood that the effect to on blasting is felt by the local community, there is no evidence to suggest that the current blasting results in damage to properties and measured ground vibration from the quarry has been consistently measured well below the conditional limit of 6mm/second PPV. Should planning permission be granted the condition blast management and monitoring conditions would be impose with a limit of 6mm/s ppv in line with current guidance. It is considered that therefore the operations would comply with MTAN1 and PSE17 of the adopted Denbighshire Unitary Development Plan.

Noise

The proposed extension of the quarry, quarry operations and proposed restoration has the potential to give rise to noise being generated by quarry operations. Residents have raised concerns in relation to increased noise that would be emitted from the quarry. No noise complaints have been received in association with the existing quarrying operations (other than noise generated from blasting) by the Local Authority, the North Wales Minerals and Waste Planning Service, or the quarry.

A noise and vibration assessment was carried out as part of the Environmental Statement, with an updated assessment undertaken during the course of consideration of this application. Consultation was undertaken with an external environmental consultancy, Enzygo, who undertook a critical appraisal of the both the original and updated noise and vibration assessment.

The updated assessment concluded that the noise contribution from the proposed quarry extension would not increase at the nearest noise at sensitive properties. The proposed extension would not bring the development closer to the nearest sensitive property, and it would not change the way in which the quarry operates. The noise assessments have been considered against national planning policy guidance set out in MTAN1: Aggregates, TAN11: Noise, and the relevant British Standards. The assessment shows that the development could proceed in accordance with the noise limits which are already imposed on the existing planning permission. Should planning permission be granted, the same condition limiting noise would be imposed, along with other conditions requiring best practical means to be employed at all times to minimise the missions of noise to ensure that residential amenity is protected, and noise is controlled. To ensure that noise limits are adhered to, a condition would be imposed to require the submission of a noise management and monitoring scheme in order to ensure that the Site is being operated within the conditioned noise limits.

Dust/Air Quality

The proposed extension of the quarry, quarry operations and proposed restoration has the potential to give rise to dust emissions being generated by quarry operations. An air quality assessment was carried out as part of the Environmental Statement, which accompanied the application. An updated dust assessment was also undertaken during the course of consideration of this application. Consultation was undertaken with an external environmental consultancy, Enzygo Limited, who undertook a critical appraisal of both the original and updated air quality assessment to advise the Local Planning Authority on the application.

Residents have raised concerns in relation to increased dust that would be emitted from the quarry. A neighbouring business located on the Colomendy Industrial Estate has also raised concerns with regards to the quarry activities affecting their equipment. Residents have also stated in their representations that the quarry should not be permitted as the site is too close to the town of Denbigh. For clarity, the nearest residential property is located over 250 metres from the proposed extended quarry boundary and therefore outside the recommended buffer-zone for hard rock quarries of 200 metres as stated within MTAN 1. The proposed extension would not result in the quarry boundary, or operations being nearer to residential properties.

The assessment has considered the most sensitive residential and ecological receptors in the area for activities on the proposed extension area. It also considered a further receptor within 400 metres of all dust generating activities including those businesses located on the neighbouring Colomendy Industrial Estate (over and above that of the recommended 200 metres as set in MTAN1). The dust assessment also considered impacts at all receptors to be negligible and overall impacts not significant. Human health impacts from the particulate emissions were screened out of the assessments correctly as these impacts were considered to be negligible due to the low background PM₁₀ concentrations. However, as part of the updated dust assessment, further information has been provided on site boundary PM₁₀ and PM_{2.5} monitoring. The results provide further evidence that current health-based air quality objectives are achieved in the vicinity of the site. However, given the nature of the activities and proposed more stringent PM_{2.5} targets, it is recommended that monitoring is continued periodically this would be required by condition.

The impacts from road traffic emissions were also screened out of the assessment due to the negligible impact. The environmental consultant employed to assist Denbighshire County Council to critically assess the assessment on dust impacts agrees with these conclusions. In summary, subject to sufficient and agreed mitigation measures being implemented, it is agreed that emission magnitudes specified can be achieved.

Existing dust management and mitigation at the quarry includes the use of a dust suppression bowser which is employed if there is a need to control dust such as in dry weather conditions, the use of a road sweeper three days a week and as required to further ensure that mud and debris is not tracked on to the highway. Furthermore, a wheel-wash facility is also located on site where all heavy goods vehicles are required to use prior to entering the public highway. Notwithstanding this, 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 management and 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. This would continue to be used should planning permission be granted. The method of working proposed in this application would be no different to the current operations on site. No complaints have been received by the Local Authority, the North Wales Minerals and Waste Planning Service, or the Quarry in regard to dust generated by any of the current operations at the quarry.

Concerns have also been raised in relation to health impacts from an increased exposure to radon gas emissions as a result of the development and the extraction. Environmental Public Health Service Wales have not raised this as an area of concern in association with quarrying. Concerns have also been raised by residents in relation to the nature of the waste and potential odours and vermin that could arise. The material proposed to be imported would be inert material and therefore would not give rise to malodours or increased vermin to the site.

The Environmental Public Health Service Wales have responded to the application and have stated in their response that they recommend that the Minerals Planning

Authority, as the regulator confirm if the mitigation measures proposed in the application with regards to impact on local air quality and noise controls proposed are satisfactory. The proposed extension area would not be any closer to residential properties. The methodology and conclusions of the revised dust impact assessment are accepted. However, this is subject to the implementation of best practice dust control measures throughout the site and with a particular focus on blasting operations. These measures should be provided by means of planning condition requiring an agreed dust management plan and monitoring strategy.

In addition to the proposed mitigation measures the quarry have agreed to reduce their annual output limit from 500,000 tonnes per annum as currently restricted by Condition No. 4 to 400,000 tonnes per annum which is a 20% reduction on annual tonnage allowance. This would be conditioned.

It is considered that the proposed extension application would not materially affect the noise and dust output of the quarry operations as they would be mitigated by noise and dust monitoring and management. The application has demonstrated that the operations could take place without causing unacceptable impacts on the environment or human health. Should planning permission be granted, the noise limits and dust control conditions can be included on any new permission with the additional requirements for a scheme of dust mitigation, and noise management and monitoring conditions. As such, it is considered that the proposal accords with the provisions of TAN1, and Policies PSE 16 and PSE 17 of the adopted Denbighshire Local Development Plan.

Concerns have been raised by residents in relation to the safety of the boundary of the quarry site. The Health and Safety Executive regulate quarry sites and operators have to carry out their operations in accordance with the Mines Regulations 2014 and the Quarries Regulations 1999 which constitute the primary legislation governing health and safety in mining operations.

4.2.6 Ecology and Nature Conservation

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 (PPW 11) sets out in Chapter 6 that “*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*” (Section 6.4.5). PPW 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. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

In autumn 2019 a Chief Planning Officer letter provided guidance on the application of the Environment (Wales) Act Section 6 duty with regard to securing biodiversity enhancement which stated that if this could not be achieved, permission for the development should be refused. Furthermore, within a letter dated 11 October 2023, Welsh Government more recently reasserted this position to all Chief Planning Officers to pre-empt the publication of PPW12 with an updated chapter 6 to be

implemented with 'immediate effect'. The current Policy guidance with regard to Net Benefit for Biodiversity in relation to this proposal is examined later in the report under paragraph 4.2.12.

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.

Protected Species

Given the presence of protected species (great crested newt), the works can only be carried out under a European Protected Species (EPS) License which would be issued by NRW prior to development commencing in the proposed extension area. In considering the grant of planning permission the LPA must consider whether the disturbance of the protected species is required for the purpose of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment."*

With respect to bats, there are no evidence of roosting bats was recorded on site. NRW and the Council's Ecology concur with the conclusions of the report with regards to proposed avoidance measures and mitigation for bats. With respects to Hazel Dormouse, there are no concerns raised with regards to this European Protected Species. NRW are satisfied that concerns with regards to the protection of European Protected Species (great crested newt) can be overcome by the inclusion of a planning condition should planning permission be granted. With respects to other European protected species, NRW have no concern with regards to bats or Hazel Dormouse.

The proposed restoration and extended aftercare (secured under the EPS licence) proposed would secure the longer-term future of the habitat. It is noted that adequate mitigation methods have been proposed and no objections to these have been raised by the County Ecologist or NRW. It is therefore considered that the proposed development, should it be granted, is not likely to be detrimental to the maintenance of the favourable conservation of the local population of great crested newts provided any subsequent consent is subject planning conditions as below. Given the advice from the County Ecologist and NRW, it is considered the proposal meets the '3 tests'.

The requirement for the inclusion of a lighting condition, the submission of a scheme of reasonable avoidance measures for peregrine falcon, invasive non-native species and phased restoration for nature conservation purposes is considered reasonable, necessary and related to planning. A note to applicant stressing the requirement to obtain an EPS Licence is proposed in relation to great crested newt. However, the applicant is already in discussion with NRW with regards to the application for an EPS licence and is aware of their obligations with regards to protected species.

Protected sites

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 (SSSI) 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.

NRW and the Council's Ecologist have considered the information submitted in support of the above application and the Environmental Statement. Based on the information submitted, it is considered that the proposed development is not likely to damage the special interesting features of Crest Mawr Wood and Graig Quarry SSSI.

The Environmental Statement has identified a need for good practice site design and dust control measures during operation, tree planting and creation of bunds along the site boundary to provide screening. NRW and the County Ecologist concur with this assessment. Measures should be in place to prevent dust soiling within the SSSI boundaries. Any tree planting should be of locally native species, details of which would be included as a requirement of the Landscape Environmental Management Plan (LEMP) that would be required by conditions. NRW have concluded that the proposed development would not likely damage the features of the adjacent Crest Mawr Wood or Graig Quarry Sites of Special Scientific Interest (SSSI).

Concerns have been raised by local residents and by the North Wales Wildlife Trust due to the length of time between surveying and the determination of this application resulting in out-of-date surveys. However, prior to the commencement of development (including soil stripping, ground works, vegetation clearance) in each phase, a condition would require the operator to submit updated ecological surveys to the Mineral Planning Authority for written approval.

NRW and the Council's Ecologist have not raised any objections with respects to the proposal and its impact on the adjacent designated sites, protected species (subject to conditions), as such, it is considered that the proposal accords with PPW11, Welsh Government Letter dated 11th October 2023 updating Chapter 6 of PPW, VOE 1 and VOE 5 of the adopted Denbighshire Local Development Plan.

4.2.7 Highways, traffic and transportation

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 highway impacts of development should therefore be regarded as a potential material consideration.

The applicant has confirmed that the additional reserve of circa 4.4 million tonnes is to be exported in HGVs via the existing haul road and utilisation of the existing access to the A525/A543 roundabout through the Colomendy Industrial Estate. The continuation of exportation will be below the current output limit of 500,000 tonnes per annum. Furthermore, the applicant has confirmed that they would be happy to further reduce this annual output limit of 400,000 tonnes per annum which would be conditioned. The restoration material would be imported to the site, but this would be restricted to 100,000 tonnes per annum and therefore this would not represent any increase in vehicular traffic on the highway network over and above what has already been deemed acceptable in planning terms when previous applications had been considered for the exportation of mineral from the site.

As a result, there would be no significant change in terms of vehicular activity associated with the quarry when compared with the current and ongoing situation. The proposals put forward represent a continuation of current activities as the proposed hours of operation, method of transport, main site access and types of vehicle used would not materially change. Whilst local residents have raised concerns that the quarry extension would impact on the local highway network and its capacity to accommodate quarry vehicles, Denbighshire's Highways Officer does not object to the application. It is considered that 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.

4.2.8 Public rights of way and open space

Policy PSE17 provides a criteria-based policy for future mineral extraction. It states in subsection iv) c. that applications that accord with the other provisions of Policy PSE17 will be permitted provided *“final reinstatement of public rights of waste should be close to their original alignment with intermediate reinstatement where possible”*.

Residents have objected to the proposal as this proposal would result in the loss of the public right of way. Should planning permission be granted, the proposed lateral western extension would result in the need to permanently divert public footpath 508/6 (also known as Public Path 6 Denbigh). It would not be possible to reinstate footpath 508/6 on its original line due to the proposed quarry restoration in this location not being restored to its original level. However, the applicant proposes to divert the public right of way to a route which would have the effect of doubling the length of the right of way. The proposed diversion route would not create a more arduous or steep route. The proposed route would not be inferior to the existing path in relation to surface and views. Furthermore, the outlook from the proposed route offers additional viewpoints towards Denbigh Castle which are not visible from the existing line of the definitive public right of way route. The proposed diversion would continue to provide a link to Crest Mawr Wood SSSI and the proposal would not result in preventing the public from accessing the woodland.

The proposed route could also provide a potential opportunity to be improved/ upgraded in terms of improved access on the popular path that leads to Crest Mawr Wood. Subject to the planning permission being granted for the Western Extension, the applicant has agreed to provide a permeable all-weather surface to delineate the public right of way to the south and west of the quarry with maintenance being carried out for the period of time up to the end of the aftercare period. The applicant would also be seeking to provide two benches along the route that would be gifted to Denbigh Town Council. This would make the public footpath more attractive to a wider range of path users and improve access to the countryside to the less able and users with restricted mobility. These footpath improvements offered on the wider footpath network surrounding the quarry would offer opportunities for those less able to walk to enjoy the countryside, improve their health and well-being and this would contribute to the goals set out in the Well-Being and Future Generations (Wales) Act 2015. This is considered to be offering planning gain as a result of the proposed extension. Should planning permission be granted, a condition would be included to require a scheme of footpath improvements to be approved in writing.

In addition to the footpath improvements outlined above, the landowner has agreed to provide a permissive route to the north of the quarry, outside of the application boundary to increase footpath connectivity to the east of the application site and to link with Public Path 11, and across to the A525 linking to Crest Mawr Wood. This would create a circular route around the Quarry and Colomendy avoiding the road passing the quarry entrance. As this is land outside of the application boundary, and outside the control of the applicant the delivery of this permissive route will be achieved outside of the planning process.

Objections raised by members of the community include the applications resulting in the loss of open space. For the avoidance of doubt, the application site is not designated as 'open space' in land use planning terms.

4.2.9 Archaeology and Built/Cultural Heritage

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 11), Section 6 'Distinctive and Natural Places' recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a Local Planning Authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

With regards to the built heritage, the application includes a specialist Heritage Statement which assesses the effect on cultural assets within the town and has considered the impact of the proposed development on the designated historic assets, following the guidance given in the Welsh Government documents "*The Setting of Historic Assets in Wales*" and "*Guide to Good Practice on using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process*". This work has concluded that initially the proposed development will have a very slightly but not significant impact on the settings of scheduled monuments DE005 St Hilary's Chapel Tower and DE156 Denbigh Castle and Medieval Town, but once mitigation measures, the construction of an earthen bund and the planting of trees, are in place, this will become neutral. However, the proposed development will have a moderate impact on the registered historic landscape but this would not be a significant effect. Cadw concur with these conclusions and have not objected to the proposal.

With regards to archaeology, The Clwyd-Powys Archaeological Trust (CPAT) have been involved at the pre-application stage in the development of this project and provided advice on the necessary archaeological surveys (Desk Based Assessment and Geophysics) to be completed in advance.

CPAT agree with the findings of the Heritage Statement and a condition for an archaeological scheme of investigation comprising a strip/map/excavate methodology for the extraction extension area is recommended in accordance with TAN 24 (May 2017) and PPW11. The archaeological fieldwork would need to be completed before any extraction can commence however, this can be done in stages/phases to allow early winning of minerals from areas which are deemed clear of archaeology.

A condition should be attached to any permission to secure preservation by a record of all archaeological remains which may be impacted by the development, in particular the western extension area. A scheme of archaeological investigation using a strip/map/excavate methodology should be a condition of consent. The applicant should engage an archaeological contractor to complete this work, and a written scheme of investigation (WSI) would need to be approved before the archaeological works commence this should also be conditioned.

With the proposed condition, it is considered that with regards to archaeology and built heritage, the proposal would accord with the provisions of PPW11, TAN24 and Policies VOE1 of the Denbighshire Local Development Plan.

4.2.10 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.

The Environmental Statement has addressed concerns with respects to hydrology and hydrogeology. Concerns have been raised by local residents in relation to the impact of the quarry on the water environment. With regards to the impact of the proposal on the adjacent Crest Mawr and Graig Wood SSSI, neither of the two SSSI's holds groundwater dependant features, therefore it is unlikely for the site to be impacted by hydrological pathways.

Although the Proposed Development would not exceed the maximum working depth observed within the Existing Site, the lowest sinking (presently inundated with water and forming the existing quarry sump) would be extended westwards, this would be facilitated by dewatering, allowing a safe and efficient working environment to be maintained. The Proposed Development would make no alteration to water management practices within the Plant Area. The extended Quarry Area would continue to form a closed depression within which all incident rainfall / runoff would be captured/contained, with all waters being routed overland to the quarry sump.

NRW note that the applicant has considered their concerns raised at the pre-application stage and the Environmental Statement submitted with this application addresses some issues raised, and overall NRW are satisfied with the submitted information. Dewatering would not occur until the third phase of the working. During Phase 3, it is anticipated that there would be limited dewatering required, then by phase 4 it is anticipated that the site would be dewatering 100% of the time. Should planning permission be granted, a condition would be included to require detailed dewatering plans at each phase of the development.

Furthermore, dewatering would require an abstraction licence from NRW as either a transfer or full licence prior to dewatering commencing. Gaining planning permission will not guarantee that a Water Resource Licence for dewatering would be issued by NRW. At the licence application stage, NRW would require an updated Hydrogeological Impact Appraisal (HIA) and any monitoring completed at the site should be used to support the HIA. Therefore, should planning permission be granted, NRW would regulate the dewatering aspect of the proposal. Notwithstanding this, a condition would be required to provide details of the dewatering prior to commencement of working in each phase.

4.2.11 Restoration, aftercare and long-term management

The proposed extension occupies agricultural land to the west of the existing Denbigh Quarry operations, currently used for pasture. The proposed restoration for the extension area and existing quarry void includes;

- Creation of a Priority Habitat (Calcareous Grassland) along the quarry floor with a gentle slope to allow for natural drainage;
- Creation of a large waterbodies which reflects the naturally fluctuating groundwater level;
- Natural regeneration of trees and shrubs assisted by the addition of soil forming materials on quarry benches.
- Lower cliffs, benches and predicted waters' edge blasted in selected areas to form areas of scree at the base of the quarry and variation in substrate/shallows depths.
- Retention of a water attenuation feature
- The importation of up to 100,000 tonnes of inert waste per annum.

Need for inert waste management for restoration

The proposed application includes the restoration of the site to nature conservation and amenity land. There is insufficient overburden and extraction waste on site to achieve the proposed restoration profile. Therefore, the proposed restoration levels would also involve the importation of inert material to achieve a graded restoration and a suitable final landform and for the proposal to be acceptable in landscape terms.

The rate of importation would vary through the extraction phases, as shown on the submitted drawings accompanying the application. During Phases 2 and 3 the rate of importation would be approximately 50,000 tonnes per annum. This figure would increase to 100,000 tonnes per annum during Phases 4 and 5.

It is considered that there is a demonstrable need for the importation of inert waste as there would be insufficient overburden/extraction waste on site to achieve a suitable final landform post extraction in landscape terms. The importation of clean inert soil forming material would aid the proposed phased restoration of the site by raising levels in part of the quarry back to original ground levels in the north of the site and to allow an appropriate landform and continuity between areas of woodland.

Furthermore, the restoration of the applicant's nearby Maes Mynan Quarry is near completion. Restoration materials that are proven to be available will not be required at Maes Mynan once restoration is complete and therefore the applicant will be able to utilise this restoration material in the Denbigh Quarry restoration. Demonstrating that there is a need and supply of restoration materials available.

In terms of the consideration of the waste hierarchy, it is considered that this restoration of the site using inert soil forming material is considered to be 'recovery' rather than disposal and therefore would accord with the principles of the waste hierarchy pushing waste material up the hierarchy to avoid disposal.

Certainty of completion of restoration

There is a legacy of old limestone quarries in Denbighshire that have been abandoned and not appropriately restored, leaving a health and safety liability and risk. The local ward members would like certainty that this would not happen here at Denbigh Quarry in the future. Members would like reassurance that the site would be restored to a satisfactory standard, and as proposed. Local ward members have suggested that the applicant provide a restoration bond to ensure that the quarry is restored appropriately and to eliminate any doubt of restoration being abandoned.

This matter of providing a restoration bond has been discussed with the applicant. The applicant is a member of the Mineral Product Association (MPA) and as a member, the applicant has access to the MPA Restoration Guarantee Fund. The MPA Restoration Guarantee Fund acknowledges that it could be difficult for restoration conditions to be enforced if an operator becomes financially insolvent and recognises that the obligations to restore 'run with the land' and will be immediately binding on any new owner. The MPA Guarantee Fund offers the benefit of up to £1m for the restoration of sites where the member operator is unable to comply with its planning obligations or conditions.

In addition to this, the applicant is contractually obligated to maintain a full membership of the MPA under their lease with the landowners to ensure eligibility to accessing the MPA Restoration Guarantee fund should it be required in the future. This should therefore provide communities and Local Members the confidence that the site would be restored in the future, even in the event of the operator becoming financially insolvent.

Long term Management/aftercare

Furthermore, the longer-term aftercare for nature conservation purposes would be secured through the EPS Licence for a period not less than 25 years which is beyond the standard 5-year aftercare that could be secured by condition.

As the restoration of this site is a long-term project, the restoration plan would need to demonstrate the compliance with Section 6 of the Environment (Wales) Act, 2016, now and in the future should priorities change. Therefore, a condition would require an annual restoration and habitat management report and meeting to discuss progress and to agree any changes to management and maintenance actions over the life of the development.

4.2.12 Net Benefit for Biodiversity

In autumn 2019 a Chief Planning Officer letter provided guidance on the application of the Environment (Wales) Act Section 6 duty with regard to securing biodiversity enhancement which stated that if this could not be achieved, permission for the development should be refused. Welsh Government more recently reasserted their position with the publication of a letter dated 11 October 2023 to all Chief Planning Officers to pre-empt the publication of PPW12 with this updated chapter 6 to be implemented with 'immediate effect'.

The current guidance with regard to Net Benefit for Biodiversity is as follows:

"Planning authorities must follow a step- wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact....

....a scheme of enhancements must be provided to ensure a net benefit for biodiversity. Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission. Enhancement measures could include on-site, locally relevant, habitat creation and/or could be part of the development itself favouring the use of native species using biodiverse nature-based solutions..."

At the time of assessing the impacts of the proposed development in terms of Net Benefits for Biodiversity, there was no metric in the Welsh planning system in order to quantify benefit. To address Net Benefit for Biodiversity the applicant has proposed biodiversity enhancement in the form of phased restoration throughout the life of the development through to the final restoration and during the aftercare period and beyond into an extended 25-year aftercare period that would be secured through the protected species licence.

The applicant has provided an assessment of each phase providing detail of habitat/vegetation that would be lost and replaced in each phase of the development. The total loss of habitat/vegetation amounts to 4.732 hectares, compared with the total gain of 23.37 hectares over the life of the development throughout the various phases of the quarry development. The County Ecologist has confirmed that the total areas at each phase of the development provides evidence that the resilience of ecosystems is being met at each phase of the development. However, there are non-native invasive species on site at present which could harm the long-term biodiversity value of the site, therefore, a condition is necessary to require the submission of a biosecurity risk assessment for written approval.

The County Ecologist has confirmed that the proposal is acceptable and meets the requirements of the new policy to ensure net benefit for biodiversity over the life of the development and beyond with the proposed extended aftercare period that would be secured by the European Protected Species Licence. As such, it is considered that the proposal accords with the provisions of PPW11, Welsh Government Letter dated 11th October 2023 updating Chapter 6 of PPW, and Policies VOE 1 and VOE 5 of the adopted Denbighshire Local Development Plan.

4.2.13 Economic benefits

Planning Policy Wales 11 states that Society needs, and will continue to need for the foreseeable future, a wide range of minerals. Minerals are the principal constituents of most construction products, many pharmaceutical, chemical, agricultural, automotive, metallurgical, electronics, aerospace, plastics ceramic and paper products. Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure, such as schools, roads, railways, airports and flood defences and a steady and adequate supply of materials is necessary.

The provision of aggregates contributes significantly towards economic well-being by allowing other development to take place. Minimisation of the distance of transport of minerals reduces the amount of fuel needed which contributes to the sustainability of the proposal. This means that supplies should be obtained close to the point of use.

Local residents have raised in their objections that there would be no benefit to Denbigh residents. However, it is considered that the grant of planning permission would have a positive social effect in terms of retaining employment for a considerable period and also a positive economic effect by increasing the quantity of a saleable item for which there is proven demand.

The quarry directly employs 7 members of staff and 2 contractors. Three members of staff are also employed in the concrete batching plant on site which is owned and operated by Breedon so therefore is directly linked to the quarry operations as the raw materials are supplied from the quarry in the manufacture of concrete. There are some 20 hauliers who are indirectly affected by the quarrying at site.

Should planning permission be granted, those existing employees would be retained, and their employment would be extended for another 25 years. Furthermore, the indirect employment for the hauliers for example would also be extended, thus contributing to the local economy through the supply chain.

Within their objection letters, residents have expressed concern with regards to the quarry products derived from this quarry, and they have stated that there is no need for the products from this quarry and it can be sourced elsewhere. The applicant has confirmed that the current markets would continue as existing should the planning permission be granted. Their current markets include internal and external supply of aggregates for construction / concrete / asphalt and agricultural supply inclusive of agricultural lime which is widely used by the local farmers. Approximately 56% of their sales supply Breedon run 'ready mix' concrete plants located in Denbigh (on site), Wrexham, Deeside, Northwich, Crewe and Warrington. Therefore these markets are located principally within North Wales and in the North West of England. The remaining 44% of quarry products are sold externally which include agricultural lime.

With regards to agricultural lime, the NFU Cymru have confirmed that, number of quarries that extract and provide lime for agricultural land is decreasing significantly. Historically, the area in South Gwynedd has been transporting lime from a quarry near Llyncllys in North Powys, but this quarry has now stopped trading.

Over the past five years more attention has been given to soil health and nutrient levels in it through the Welsh Government's Farming Connect programme. This work has been boosting soil nutrients and has supported farmers to make more use of lime on their farms which improves the absorption of nutrients to crops, by running regular soil tests. This means that these businesses can farm more efficiently, reducing the use of artificial fertiliser, which in turn reduces the use of fuel and reduces the carbon footprint of the businesses in turn.

With increasing pressure on the environmental performance of farms being highlighted for Welsh Government Schemes such as the Sustainable Farming Scheme from 2025 onwards, more emphasis will be placed on protecting the most beneficial pH levels for growing crops. Having a standard supply of lime broken into powder fairly locally is key for these agricultural businesses. There currently are no quarries within close proximity that supply agricultural lime. The following quarries which provide fine lime are closest to the area; Cardigan, Llanandras, Buxton and Matlock. For agricultural businesses located in North Wales, Denbigh is closer than the other suppliers. Should planning permission be refused, farms in North Wales that require the supply of agricultural lime would need to travel further distances, increasing the costs of transporting from an area further away which may lead to an increase in the costs of the farm produced, and it would also increase the carbon footprint of the farm businesses.

Should planning permission be granted therefore, this would extend the life of the quarry for a further 25 years thus extending the local direct and indirect economic benefits for a further 25 years.

4.2.14 Community Benefits

The Denbigh Member Area Group have requested that the applicant offer a Community Benefit Fund for the local community to access. However, there would be no policy mechanism to support or justify this request as the justification within Policy BSC3 of the adopted Local Development plan states that measures to mitigate the impact of the development should be fairly and reasonable related in scale to the development and its resulting impact. This report has set out how the predicted impacts would be mitigated, therefore, the request for a community fund through a Section 106 legal agreement would therefore not meet the tests of Circular 13/97.

Notwithstanding the fact that there is no formal way to secure a Community Benefit Fund through the planning system, Breedon has approached Denbighshire County Council's Community Benefits Team with regards to formalising a 'Voluntary' Community Benefit Fund.

The applicant has confirmed that they are committed to supporting a variety of community schemes which take the form of sponsorships, donations of materials, defibrillators, volunteering, use of plant machinery on community projects and financial donations to the likes of 'Denbigh in Flower' and the Denbigh Carnival. The applicant feels that by offering charitable donations such as this, they are able to offer real support to the community and it's not limited to registered charities or a monetary value.

In the past 12 months Breedon have confirmed that they have donated the following to the local community:

1. Denbigh Rugby Club; donated materials for the Walling Stone Entrance to the Club– 25/10/22
2. Denbigh Town Council; donated the provision of a defibrillator – 14/11/22
3. Denbigh Town U9's Football team sponsor Track Tops - £520.80- 16/10/22
4. North Wales Wildlife Trust Annual Membership - £350.00 -13/02/23
5. Denbigh Rugby Club; donated material for a new gym - 07/03/23
6. Denbigh Carnival; sponsor - £300.00 - 24/06/23
7. Denbigh Carnival Pitch - £50.00 - 24/06/23
8. Denbigh Flower Show; sponsor- £300.00 – 26/08/23
9. Agreed to provide Denbigh Men Shed with hardcore for the ground works of a 16 x 16 shed – 29/08/23

As stated above, there is no Policy mechanism in the LDP to enable the Mineral Planning Authority to secure a community benefit fund through the planning process, either by condition or Section 106 legal agreement. Furthermore, it cannot be stated

as a reason for refusal of planning. However, evidence has been provided above with regards to the charitable donations that the applicant does provide to the local community. Furthermore, the applicant has confirmed that they would like to explore ways that community benefits could be formalised outside of the planning process. They have confirmed that they have met with the Council's Community Funding/Benefit Team to discuss how this can be progressed and achieved.

The Aggregates Levy Fund (which unfortunately closed at the end of 2016) used money from the aggregates tax to fund community-led projects. Quarry operators continue to pay this aggregate tax but this funding is no longer used to benefit the local community. However, The Minerals Product Association and also the Planning Officer Society for Wales are in discussion with Welsh Government to try and resurrect this fund which invested £20 million into community and environmental projects within the quarrying communities over the last 20 years across Wales.

The proposed footpath improvements on the existing public rights of way, and the proposed diversion by way of providing an all-weather surface on the wider footpath network surrounding the quarry would offer opportunities for those less able to walk to enjoy the countryside, improve their health and well-being and this would contribute to the goals set out in the Well-Being and Future Generations (Wales) Act 2015. This is considered to be offering community benefits and planning gain as a result of the proposed extension.

Furthermore, it is considered that the proposed permissive route to the north of the quarry offered by the landowner as a form of community benefit would also be considered to be planning gain and benefit to the local community to provide a circular route on the surrounding footpath network.

4.2.15 Environmental Assessment

In accordance with the regulation 14 of the Town and Country Planning (Environmental Impacts Assessment) (Wales) Regulations 2017 the Local Planning Authority issued a Scoping Opinion on 14th August 2028. This application is accompanied by an Environmental Statement (ES) which has taken into account the Council's Scoping Opinion. It is considered that the submitted ES has been prepared in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The Environmental Statement considered the likely significant environmental effects resulting from the lateral extension and consolidation of existing operations at the quarry.

Furthermore, additional information was requested by the Mineral Planning Authority in order to make a decision. On receipt of the additional information, the Mineral Planning Authority published this in accordance with Regulation 24 of the EIA Regulations. The environmental effects of the proposal have been comprehensively assessed within the submitted ES and addendum/additional information. The conclusion of the ES is such that there would be no significant environmental effects of the proposal subject to mitigation detailed within the ES and planning application.

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.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal involves a lateral extension to the west of Denbigh Quarry which would release a further 4.4 million tonnes of limestone, working in five phases with progressive restoration for nature conservation/amenity land for a period for 25 years so that future demand for limestone and agricultural lime can be met. The application also proposes to consolidate the extant permission on the site for the extension of winning and working of limestone, and also includes the importation of inert waste to achieve an acceptable landform post extraction.
- 5.2 The quarry has been situated on the outskirts of Denbigh for many years, and it is considered that the proposed extension is modest in area and is relatively small in the context of the site.
- 5.3 Whilst the operation as a whole can be considered to be sustainable development, an extension to an existing quarry is also considered to be preferable to a greenfield development in a sustainability hierarchy because existing infrastructure can be used. Both operations are predicated on there being a 'need' for the development, in this case a demand for the mineral is proven in the recent past by sales and in the future by the predictions of the Regional Technical Statement (2nd Review) aligned with the Statement of Sub-Regional Collaboration which provides the evidence of a demonstrable need for crushed rock on a sub-regional scale in North-East Wales. As such, it is considered that the proposal is in compliance with the provisions of PPW11, MTAN1, Policy PSE17 of the adopted Denbighshire LDP as the RTS 2 states that there is a shortfall of crushed rock within the sub-region, and this proposed extension would meet that need.
- 5.4 Whilst the western extension proposed would result in the loss of 4 hectares of BMV agricultural land (ALC grade 2 and 3a), it is considered that the applicant has demonstrated compliance with PPW 11. Minerals can only be dug where they exist and the extension of a quarry, using the existing infrastructure is a more sustainable solution than creating a new site to meet the identified need. The opportunity to expand the quarry in other directions is constrained by the need to avoid SSSIs, Tree Preservation Orders, Ancient Woodland. That need for the development has been established by the provision requirements in the Regional Technical Statement (2nd Review) on a sub-regional scale. Therefore, on balance, the loss of the 4 hectares of BMV agricultural land is out-weighted by the demonstrable need for aggregate crushed rock limestone and agricultural lime.

- 5.5 The application through the Planning Statement and the Waste Planning Assessment clearly demonstrates that there will be a need for increased capacity for inert restoration material, and that the approved restoration scheme would require the importation of inert restoration material as a 'recovery' operation to provide an appropriate restoration profile for the final landform post excavation.
- 5.6 The extension area would result in the diversion of a public right of way. However, the applicant is committed to provide a permeable all-weather surface to delineate the public right of way to the south and west of the quarry with maintenance being carried out for the period of time up to the end of the aftercare period. The applicant would also be seeking to provide two benches along the route that would be gifted to Denbigh Town Council. This would make the public footpath more attractive to a wider range of path users and improve access to the countryside to the less able and users with restricted mobility. These footpath improvements offered on the wider footpath network surrounding the quarry would offer opportunities for those less able to walk to enjoy the countryside, improve their health and well-being and this would contribute to the goals set out in the Well-Being and Future Generations (Wales) Act 2015.
- 5.7 Should planning permission be granted, the quarry will extend the period of employment for the existing employees and will contribute to the local economy through the supply chain for a further 25 years. 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 The environmental effects of the proposed lateral extension and consolidating application for the extension of winning and working of limestone, importation of inert waste and restoration to amenity land/nature conservation have been comprehensively assessed within the submitted ES, technical appendices and addendum/additional information. The ES has considered and assessed the impacts of the proposed extension to the quarry in terms of landscape and visual amenity, impacts on ecology, trees and nature conservation, and adjacent designated sites/protected species, noise, air quality, traffic, transportation and highways, archaeology and built heritage, hydrology and hydrogeology. The conclusion of the ES is such that there would be no significant environmental effects of the proposal subject to mitigation detailed within the ES and planning application. There are no significant residual effects predicted as a result of the proposal.
- 5.9 All planning decisions are required to be taken into accordance with the Development Plan that is in force unless material considerations dictate otherwise. 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, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted subject to conditions and a deed of variation of the existing section 106 legal agreement which protects land adjacent to the quarry from development, and also provides for management of Tŷ Crest Wood, and Crest Mawr SSSI.

The recommendation is subject to the completion of a further Deed of Variation to the 2022 deed of variation and 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. **Time Limit for Commencement**

The development to which this permission relates shall be begun no later than five years from the date of this permission. Written notification of the date of commencement of any works on the site deemed to begin the development shall be sent to the Mineral Planning Authority within five working days of such commencement.

2. **Approved Plans**

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.003 and hereinafter referred to as the 'site'.

3. **Approved Plans**

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) Location Plan (Drawing No. M18.155.D.003) - Received 7 June 2022 (ii) Current Situation v2 (Drawing No. M18.155.D.004) - Received 7 June 2022 (iii) Concept Restoration (Drawing No. M18.155.D.007) - Received 7 June 2022 (iv) Heritage Designations and ZTV v2 (Drawing No. M18.155.D.009) - Received 7 June 2022 (v) Phase 1 (Drawing No. M18.155.D.024) - Received 7 June 2022 (vi) Phase 2 (Drawing No. M18.155.D.025) - Received 7 June 2022 (vii) Phase 3 (Drawing No. M18.155.D.026) - Received 7 June 2022 (viii) Phase 4 (Drawing No. M18.155.D.027) - Received 7 June 2022 (ix) Phase 5 (Drawing No. M18.155.D.028) - Received 7 June 2022 (x) Section A-A (Drawing No. M18.155.D.039) - Received 7 June 2022 (xi) Section B-B (Drawing No. M18.155.D.041) - Received 7 June 2022 (xii) Planning Statement & Appendices (Volume 1) - Received 20 June 2022 (xiii) Pre-Application Consultation Report (Dated Dec 2021) - Received 7 June 2022 (xiv) Pre-Application Public Engagement Report (Dated Nov 2021) - Received 7 June 2022 (xv) BS 5837:2012 Tree Survey Report & Appendices (Dated 17/12/19) - Received 7 June 2022 (xvi) Denbigh Quarry Stile - Footfall Report - Received 7 June 2022 (xvii) Geophysical Survey Report (Total Magnetic Intensity - Archaeology) (Date 01/10/19) - Received 7 June 2022 (xviii) Environmental Statement & Appendices (Dated Feb 2022) - Received 20 June 2022 (xix) Scoping Opinion (Dated 14/08/19) - Received 7 June 2022 (xx) Heritage Statement & Appendices (Dated Oct 2021) - Received 7 June 2022 (xxi) Landscape and Visual Impact Assessment & Appendices (Dated Jan 2021) - Received 7 June 2022 (xxii) Ecological Impact Assessment & Appendices (Dated Sept 2021) - Received 7 June 2022 (xxiii) Great Crested Newt Survey Report (Dated Dec 2019) - Received 7 June 2022 (xxiv) Bat Roost Survey Report (Dated Dec 2019) - Received 7 June 2022 (xxv) Bat Activity Survey Report (Dated Dec 2019) - Received 7 June 2022 (xxvi) Badger Survey Report (Dated Dec 2019) - Received 7 June 2022 (xxvii) Dormouse Survey Report (Dated Dec 2019) - Received 7 June 2022 (xxviii) Breeding Bird Survey (Dated Nov 2019) - Received 7 June 2022 (xxix) Preliminary Ecological Appraisal Revision B & Appendices (Dated Sept 2021) - Received 7 June 2022 (xxx) Dust Risk Assessment - Received 7 June 2022 (xxxi) Hydrological & Hydrogeological Impact Assessment & Appendices (Dated 04/02/22) - Received 7 June 2022 (xxxii) Hydrological & Hydrogeological Impact Assessment - Figures (Dated 02/02/22) - Received 7 June 2022 (xxxiii) Noise and Vibration Assessment & Appendices - Received 7 June 2022 (xxxiv) Air Quality & Dust Assessment - Received 7 June 2022 (xxxv) Agricultural Land Classification (Dated 16/01/20) - Received 7 June 2022 (xxxvi) Waste Planning Assessment - Received 7 June 2022 (xxxvii) Dust Impact Assessment (Ref: 425.064845.00001 Rev 1.1, SLR Consulting Ltd dated 14/07/23) - Received 19 July 2023 (xxxviii) Noise Assessment (Ref: 403.064944.0001 Rev 02 SLR Consulting Ltd dated 02/08/2023) (xxxix) Phase 5 Full Extraction (Ref: M18.155.D.040) received 21/06/2022

4. **Approved Plans**

Throughout the operational life of the site a copy of this permission, including all documents hereby permitted, or subsequently approved, and forming part of the permission, shall always be available at the site office for inspection during normal working hours as set out in Condition No. 28 of this permission.
5. **Duration of the life of the development**

The winning and working of limestone shall not extend beyond the area as shown on approved plan Ref: M18.155.D.040 and shall cease at the site within 25 years from the date of the commencement of development hereby granted by this permission. The dates of final cessation of mineral extraction shall be notified in writing to the Mineral Planning Authority within 14 days of the said date.
6. **Duration of the life of the development**

The site shall be restored to the satisfaction of the Mineral Planning Authority within two years of the permanent cessation of winning and working of minerals, or within 27 years of the date of the commencement of development of this permission, whichever the sooner. Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in the connection with the development hereby permitted shall be removed from the site, and upon their removal, the land shall be restored in accordance with the restoration scheme approved under condition No. 45 of this permission. The dates the completion of final restoration of the site shall be notified in writing to the Mineral Planning Authority within 14 days of the said date.
7. **Development Phase**

Notification shall be provided to the Mineral Planning Authority of the date of the material start of each phase of development in writing at least 5 working days prior to each phase. The Phases of development shall comprise:

 - i. Phase 1 (Drawing No. M18.155.D.024)
 - ii. Phase 2 (Drawing No. M18.155.D.025)
 - iii. Phase 3 (Drawing No. M18.155.D.026)
 - iv. Phase 4 (Drawing No. M18.155.D.027)
 - v. Phase 5 (Drawing No. M18.155.D.028)
8. **Development Phases**

Unless the prior approval of the Mineral Planning Authority has been obtained in writing, the maximum annual sales of limestone from the quarry shall not exceed four hundred thousand (400,000) tonnes, and the Mineral Planning Authority shall be supplied with sales figures on an annual basis to verify the sales on request.
9. **Development Phases**

Unless the prior approval of the Mineral Planning Authority has been obtained in writing, the maximum annual importation of inert restoration material shall not exceed one hundred thousand (100,000) tonnes and the Mineral Planning Authority shall be supplied with transfer notes on an annual basis on request. Inert waste restoration materials shall be placed directly to areas which are being restored to approved restoration levels and there shall be no processing of inert restoration materials on site.
10. **Development Phases**

Within three months of the date of this consent, a scheme 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 of each phase;
 - ii. carrying out, completion, restoration, landscaping and aftercare of each phase of the development.
11. **Development Phases**

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, other than those identified for removal on the approved plans, 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.

12. **Development Phases**

Topsoil, subsoil and soil making material shall only be stripped when they are in a suitably dry and friable soil moisture condition, and no movement of soils shall occur:

- a. During the months October to April (inclusive), unless otherwise agreed in writing with the Mineral Planning Authority; or
- b. When the upper 1200mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 - 'British Standard Methods Test for Soils for Civil Engineering Purposes'; or
- c. When there are pools of water on the soil surface.

13. **Development Phases**

All stripped topsoil and subsoil shall be retained on the Site, and none shall be sold or removed from the site.

14. **Development Phases**

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.

15. **Development Phases**

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.

16. **Development Phases**

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.

17. **Development Phases**

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground level and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards within the bund. There shall be no discharge of oils, fuels, chemicals, contaminated surface water or plant effluent onto any land, watercourse or underground strata.

18. **Development Phases**

Access to and from the site for all quarry traffic shall only be gained via the existing access from Ffordd y Graig/Graig Road

19. **Development Phases**

No heavy goods vehicle exiting the Site shall enter the public highway in a condition which is liable to cause deposits of mud, debris limestone dust or product or other or deleterious

materials on the public highway. Measures shall be employed at all times to ensure that the public highway is kept clean and free from dust, limestone products, mud and other deleterious material originating from the site. All heavy goods vehicles shall be cleaned of mud and debris by use of wheel/chassis cleaning facilities on site. The wheel cleaning facilities shall be maintained in a good working order and adequately maintained in a good working order throughout the life of the development hereby approved. Methods of removal of debris, mud and dust, and ensuring that none is deposited on the highway shall be reviewed annually. Should current clean methods prove ineffective additional measures shall be approved by the mineral planning authority and implemented as required.

20. **Development Phases**

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. The surfacing of the existing access road as referred to in Condition No.18 above shall be maintained in a good state of repair and shall be swept regularly and a water bowser used to ensure the access road is kept clean and free of dust, limestone products, mud and other deleterious material at all times until the completion of the site restoration and aftercare.

21. **Development Phases**

All road vehicles leaving the site carrying limestone below 150 mm 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.

22. **Development Phases**

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.

23. **Noise management, mitigation and monitoring**

The best practice mitigation measures to minimise noise arising from the operations at the site shall be employed at all times to minimise the emissions of noise arising from the development hereby approved, as detailed within approved Noise Assessment (Ref: 403.064944.0001 Rev 02 SLR Consulting Ltd dated 02/08/2023). Within three months of the date of this permission, a 'Noise Management and Monitoring Action Plan' shall be submitted to the Mineral Planning Authority for written approval. Once approved, measures within the Noise Management and Monitoring Action Plan shall be employed and maintained at all times to minimise the emissions of noise arising from the development including all operations, vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations throughout the period of mineral extraction, ancillary operations and restoration.

The approved 'Noise Management and Monitoring Action Plan' shall provide details for and address the need for and, where necessary, include:

- a) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times,
- b) All vehicles, plant and machinery shall be fitted with effective silencers in accordance with the manufacturers recommendations
- c) All vehicles, plant and machinery in the operator's control shall use noise attenuating equipment such as broad band reversing warning devices, or 'white noise' reversing alarms and operated in a way to minimise noise emissions.
- d) With the exception of the purpose of maintenance, no machinery shall be operated with the covers open or removed.
- e) All vehicles, plant and machinery not in use on site shall be turned off
- f) The Quarry access road referred to in Condition No. 18 above will be maintained
- g) free of potholes and undulations,
- h) All mobile plant and vehicles shall be submitted to an on-site speed limit
- i) Drop heights at loading or transfer points will be minimised

- j) Provision for noise monitoring and review of the scheme and where necessary additional noise mitigation measures shall be agreed and implemented if noise emissions are causing a justifiable complaint if noise limits as set within Condition No. 24 and No. 25 are being breached.

24. **Noise management, mitigation and monitoring**

Notwithstanding the provisions of Condition No. 23 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 subject to a maximum of 55 dB.

25. **Noise management, mitigation and monitoring**

During temporary and short-term operations such as soil stripping and bund formation, noise from operations shall not exceed 67dB(A) (1 hour, free field) when measured at any noise sensitive property. Such temporary operations shall be limited to a total of 8 weeks within any 12 month period

26. **Dust management, monitoring and mitigation**

The best practical means shall be employed at all times to minimise the emission of dust from the development hereby permitted. In the event that dust generated by any of the operations hereby permitted is seen 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. Notwithstanding this, within three months of the date of the permission, a Dust Management and Monitoring Action Plan shall be submitted to the Mineral Planning Authority for written approval. Once approved, measures within the Dust Management and Monitoring Action Plan shall be employed and maintained at all times to minimise the emissions of dust arising from the development including all operations, vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations throughout the period of mineral extraction, ancillary operations and restoration.

The Dust Management and Monitoring Action Plan shall provide details for and address the need for and, where necessary, include:

- a. Dust monitoring
- b. The suppression of dust caused by the movement and storage of soil, overburden, stone and other materials within the site;
- c. The provision of a mobile water bowser on site at all times to be deployed within the quarry and on access roads and haul routes as required;
- d. The provision of spray and mist cannon as appropriate to dampen vehicles, stockpiles, roads etc
- e. The enforcement of a speed limit for mobile plant and haulage vehicles;
- f. The fitting of drilling rigs with efficient dust management measures;
- g. A stockpile management plan for soil and quarry products.
- h. Sheeting of all loaded haulage vehicles before leaving the site;
- i. The provision and use of a vehicle cleansing facility for all haulage vehicles leaving the quarry which shall be adequately maintained and used throughout the operational life of the site;
- j. Suspension of activities should dust be travelling across the site boundary;
- k. Weather/wind conditions shall be taken into account in the operations of the quarry to ensure that that the weather would not increase the likelihood of dust being transported across the boundary of the site;
- l. Reducing drop heights from excavators and loading of vehicles where possible;
- m. Exhausts of all new mobile plant introduced to the site to be directed away from the ground
- n. A site diary shall be maintained to log any complaints and take remedial action as necessary;
- o. Formal inspections for dust emissions at the site boundary shall be made at least once daily to monitor dust emissions and take remedial action as necessary;
- p. Provision for monitoring and review of the scheme and where necessary additional measures shall be agreed and implemented if dust emissions are causing a justifiable complaint.

The effectiveness of the approved Dust Management and Monitoring Action Plan shall be continually monitored. Any deficiencies in the approved Dust Management and Monitoring Action Plan shall be notified to the Mineral Planning Authority and addressed through the submission of a revised Dust Action Plan and timescales for the written approval of the Mineral Planning Authority. The revised scheme and its associated timescales shall be implemented immediately after their approval.

27. **Lighting**

Prior to the installation of any lighting, a bat friendly lighting plan shall be submitted for written approval to the Mineral Planning Authority. The lighting shall be implemented as approved for the life of the development hereby approved.

28. **Hours of operation**

The permitted hours of working of the permitted Site and associated operations shall only be undertaken between the hours of 0600 and 1800 hours Mondays to Fridays, and 0600 and 1200 hours on Saturdays. There shall be no working on any Sunday or statutory/Public Holiday.

No other operations apart from maintenance, or emergency works in connection with the safety of the site shall be carried out outside these hours, or on any Sunday Bank or public holiday.

29. **Blast Management**

The best practical means shall be employed at all times to minimise ground vibration and air overpressure from blasting operations. 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.

30. **Blast Management**

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.

31. **Blast Management**

The monitoring referred to in Condition No. 30 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.

32. **Blast Management**

Unless otherwise agreed in writing with the Mineral Planning Authority, and except in the case of emergency, there shall be no more than three blasts in any one calendar month for the initial 12 months of the commencement development. After this time, there shall be no more than two blasts in any one calendar month, up to a maximum of 12 blasts in any 12-month period, throughout the life of the development.

33. **Blast Management**

Blasting at the quarry shall be undertaken in accordance with the approved Blasting Protocol for the quarry as approved under application reference 01/2023/0239 for the life of the development unless a revised Blasting Protocol is subsequently approved in writing.

34. **Archaeology**
Prior to the commencement of development hereby approved, a Written Scheme of Archaeological Investigation using a strip/map/excavate methodology shall be submitted for written approval by the Mineral Planning Authority.
35. **Archaeology**
No development shall take place (including, soil stripping, ground works, vegetation clearance) until a programme of archaeological work has been implemented in accordance with the approved Written Scheme of Archaeological Investigation, required by Condition No. 34. The programme of archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance provided by the Chartered Institute for Archaeologists.
36. **Nature Conservation**
Prior to commencement of development (including, soil stripping, ground works, vegetation clearance) in each phase as defined by Condition No. 7 updated Ecological Surveys shall be submitted to the Mineral Planning Authority for written approval and shall inform the Great Crested Newt Conservation Plan and Landscape and Ecological, Habitats and Aftercare Management Plan as required by Conditions No. 37 and No. 38 respectively.
37. **Nature Conservation**
Prior to the commencement of development (including, soil stripping, ground works, vegetation clearance) in each phase as defined by Condition No.7, a Great Crested Newt (GCN) Conservation Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The approved Conservation Plan shall include:
- a) Build upon the principles outlined in the approved GCN Survey Report (Pleydell Smithyman, December 2019)
 - b) A plan showing habitat to be lost/habitat to be created/areas to be retained which should identify the extent and location on appropriate scale
 - c) Submission of details and associated plans concerning GCN avoidance and mitigation measures including fence design, specifications and proposed locations; consideration of access issues across fence lines; fence monitoring and maintenance requirements; and supervised removal of barrier fences.
 - d) Submission to include proposed timescales and reporting requirements.
 - e) Submission of further details concerning on-site compensatory proposals including plans, extent, access, current and proposed tenure. Details to include areas of terrestrial and aquatic habitat to be retained, enhanced, and created.
 - f) Submission of a long term site management (not less than 25 years) that includes defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area; persons responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan.
 - g) Submission of measures designed to prevent the accidental capture/killing of newts (amphibians) during operational and restoration phases of the development.
 - h) Details of timing, phasing and duration of operational ground works and restoration activities and conservation measures.
 - i) Timetable for implementation demonstrating that works are aligned with the proposed development.
 - j) Ecological Compliance Audit, including key performance indicators.
 - k) Persons responsible for implementing the works.
 - l) Post restoration monitoring and record dissemination for a period of not less than 25 years. All ponds (and other water features) shall be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7> with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include annual abundance counts and Habitat Suitability Index (HSI) assessments. Each

water body, including any water feature proposed for surface water management, shall be individually numbered on site.

The approved Conservation Plan shall be carried out in accordance with the approved details for the life of the development including the restoration and aftercare period.

38. Nature Conservation

Prior to the commencement of development (including, soil stripping, ground works, vegetation clearance) in each phase as defined by Condition No.7, a Landscape and Ecological, Habitats and Aftercare Management Plan (LEMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The approved LEMP shall include the following:

- a) The Final concept restoration plan for each phase
- b) To maintain and enhance broadleaf woodland in the long-term including improving connectivity between woodland block and extending woodland habitats;
- c) To restore and enhance great crested aquatic and terrestrial habitats in the long term. Habitat creation and enhancement to improve connectivity and habitat functionality for the species;
- d) To restore and ensure the long term functionality of habitats for dormouse and bats;
- e) To manage, create and upkeep habitats for birds including those listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and Annex 1 of the Birds Directive. Provision aims to deliver Regulation 10 of the Conservation of Habitats and Species Regulations 2017 (as amended);
- f) To incorporate the requirements of DECCA, ecosystem resilience and green infrastructure provision;
- g) To restore maintain and enhance habitats and species listed under the provisions of Section 7 of the Environment (Wales) Act 2016 in the long term;
- h) To undertake actions that accord with the planned provision and management of "stepping stone" and linear habitats in accordance with the requirements of Regulation 41 of the Conservation of Habitats and Species 2017 (as amended) in the long term; and
- i) To restore, maintain and enhance habitats and species listed under local nature recovery plans in north east Wales in the long term.
- j) Only native species shall be planted within the site
- k) The planting of trees, hedgerows and shrubs, to include the following;
 - i. The location, species, numbers, sizes and timing of the planting of trees, hedgerows and shrubs within the site;
 - ii. the methods of planting, protection, maintenance and replacement of trees, hedgerows, and shrubs within the site.
- l) The location of existing, retained vegetation and woodland areas within the site, including their protection, management and enhancement.
- m) A timeline of each phase and shall include timescales for:
 - i. Perimeter bund removal
 - ii. Replacement bund formation, detailed bund design and planting
 - iii. Details of Vegetation removal
 - iv. Details of planting; number, species and location
 - v. Monitoring and management of planting including annual reporting
- n) Detailed five-year aftercare scheme for the management and maintenance of habitats established which shall include:
 - i. Replacement of trees and shrubs and areas of vegetation which die, become diseased, or are damaged;
 - ii. Maintenance of protective measures for young trees, shrubs and vegetation;
 - iii. Maintenance of means of enclosure;
 - iv. Maintenance of and installation of drainage and/or means of impoundment of water;
 - v. Management and control of vegetation growth by mowing, cutting or other means as appropriate.
 - vi. Management and maintenance of calcareous grassland and other habitats
 - vii. A nature conservation compliance record statement
- o) A mechanism for annual review

39. **Nature Conservation**
The LEMP shall be reviewed and updated on an annual basis. An Annual LEMP report shall evaluate the restoration and aftercare works carried out in the previous year, assess requirements over the forthcoming year and provide details of management prescriptions and actions for the forthcoming year in terms of priority habitats. The Annual LEMP Report shall state the biodiversity loss and gain during the previous 12 month period. The Annual LEMP shall be submitted in writing to the Mineral Planning Authority within twelve months of the date of the commencement of development and then on an annual basis for the life of the development including the restoration and aftercare period. The Annual LEMP shall be provided within 14 days prior to the annual LEMP meeting as required by Condition No. 40.
40. **Nature Conservation**
Unless otherwise agreed in writing with the Mineral Planning Authority, a Landscape and Ecological, Habitats and Aftercare Management meeting shall take place annually to monitor the progress of the restoration and habitat management on site.
41. **Nature Conservation**
Prior to the commencement of development, Biosecurity Risk Assessment shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall proceed strictly in accordance with those details as approved.
42. **Nature Conservation**
Prior to the commencement of development a scheme of Reasonable Avoidance Measures for Peregrine Falcon shall be submitted to the Mineral Planning Authority for written approval. The approved reasonable avoidance measures shall be carried out in full for the life of the development.
43. **Hydrology/Hydrogeology**
Prior to the commencement of development (including, soil stripping, ground works, vegetation clearance) in each phase as defined by Condition No.7, a scheme of dewatering shall be submitted to the MPA for approval, the approved scheme shall be implemented in full for the life of the development
44. **Public Rights of Way**
Within three months of the commencement of development, a scheme to facilitate footpath improvements shall be submitted to the Mineral Planning Authority for written approval. The approved scheme shall be implemented for the life of the development.
45. **Restoration**
Prior to the commencement of restoration within each phase, a detailed scheme of phased restoration of the site shall for each phase of the development shall be submitted to the Mineral Planning Authority for approval. The scheme shall provide for the following matters:
a) The restoration of each phase of the development as undertaken in accordance with such details as may be approved under Condition No. 10 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.
b) The final treatment of the quarry floor and haul roads, the removal of plant, structures, buildings, equipment, machinery, scrap and refuse, foundations, roadways, hardstandings, pipework, lagoons, signs and storage mounds except where any of these are required for the purposes of restoration, development and management of the Site for nature conservation purposes or to maintain third party access;
c) Identification of the species or habitat type of flora and fauna for which provision is to be made in the restoration, development and management of the Site;
d) Description of the habitat appropriate for each species or habitat type and of how each habitat is to be created, such details to include the timing within the overall phasing of the restoration works;

- e) Location and extent;
 - i. Contouring to create an appropriate landform;
 - ii. Surface treatment, including ripping or scarification of rock surface; the quantity, depth and nature (including physical and chemical properties) of the soil-forming materials to be used on the restoration areas; the machinery and surface treatment techniques to
 - i. be used to place the forming soil materials on the restoration areas;
 - iii. the Application of fertiliser and/or mineral dressing where appropriate;
 - iv. Drainage works, including the formation of wet areas and/or ponds;
 - v. Seeding and planting, including means of protection of young vegetation;
 - vi. Means of enclosure
- f) An outline aftercare scheme.

The progressive restoration of the Site shall be carried out in accordance with the scheme as submitted under this condition and approved by the Mineral Planning Authority and in accordance with any subsequent amendments to the scheme that are agreed in writing by the Mineral Planning Authority.

- 46. **Restoration**
Written notification of the completion of restoration within each phase of the development as approved under Condition No. 45 above shall be given to the Mineral Planning Authority within four (4) weeks of such completion.
- 47. **Restoration**
Notwithstanding the requirements of Condition No.46, all fixed and mobile plant, structures, erections, buildings, and infrastructure shall be removed from the Site within 12 months of the date of final cessation of working, except where they have been expressly incorporated for retention within the approved restoration scheme, or where it is necessary to retain third party rights of access on the main Site access road.
- 48. **Restoration**
Prior to the commencement of development in Phase 5 of the approved development, a final Detailed Restoration Plan shall be submitted which shall also include a post restoration land use management plan.
- 49. **Restoration**
In the event that mineral operations permanently cease prior to the extraction of all workable reserves within 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 no later than six months from the date of the permanent final cessation of working (notification required under Condition No. 6) for the approval of the Mineral planning authority, and upon written approval, shall be fully implemented as approved.
- 50. **Restoration**
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 Nos. 38 and 45 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 Mo. 46 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 Section 91(1) (b) of the Town and Country Planning Act, 1990 in the interests of amenity.
- 2. For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents and to assist compliance monitoring.
- 3. For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents and to assist compliance monitoring.

4. For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents and to assist compliance monitoring.
5. For the avoidance of doubt and to comply with the requirements of Schedule 5 of the Town and Country Planning Act, to ensure certainty for the life of the development, define the life of this permission in accordance with the approved scheme, in a timely manner, in the interests of residential amenity, in the interests of landscape amenity.
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 in accordance with the approved scheme, and in a timely manner, in the interests of residential amenity in the interests of landscape amenity.
7. For the avoidance of doubt, to remain informed and manage the development effectively in accordance with the planning application, in the interests of restoration, protection of sites of biodiversity importance and in the interests of amenity
8. 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.
9. In order that the Mineral Planning Authority can monitor the importation of restoration material. In the interests of highway safety and safeguarding the amenity of the residents of the local area.
10. For the avoidance of doubt, to remain informed and manage the development effectively in accordance with the planning application, in the interests of restoration, protection of sites of biodiversity importance and in the interests of amenity.
11. In the interests of landscaping and visual amenity.
12. In the interests of the restoration of the site and to ensure soil resources are protected.
13. In the interests of the restoration of the site and to ensure soil resources are protected.
14. In the interests of the restoration of the site and to ensure soil resources are protected.
15. In the interests of the restoration of the site and to ensure soil resources are protected.
16. In the interest of protection of the environment and water resources.
17. In the interest of protection of the environment and water resources.
18. For the avoidance of doubt, in the interests of highway safety
19. 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.
20. 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.
21. In the interests of highway safety and amenity of the area, and safeguarding the local environment, limestone dust and products and debris being taken on to the public highway.
22. 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.
23. To protect the amenities of the locality from the effects of any noise arising from the development and to effectively manage and monitoring noise arising from the approved operations. To provide a mechanism for noise monitoring and mitigation, in the interests of the protection of amenity and health and well-being of the neighbouring population.
24. For the avoidance of doubt, and to define acceptable noise limits, 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.
25. For the avoidance of doubt, and to define acceptable noise limits, 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
26. To protect the amenities of the locality from the effects of any dust arising from the development, and to effectively manage and monitor dust arising from the approved operations. 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.
27. For the avoidance of doubt, interests of amenity and to minimise light pollution in the interests of nature conservation and protected species and to assess the impact on lighting should it be required in the future.

28. For the avoidance of doubt, to define the operational hours of the development hereby approved, and to protect the amenities of the occupiers of nearby properties.
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, and to define acceptable blast limits.
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. 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.
32. 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.
33. 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.
34. In the interests of Archaeology and to secure preservation by a record of all archaeological remains which may be impacted by the development.
35. In the interests of Archaeology and to secure preservation by a record of all archaeological remains which may be impacted by the development.
36. In the interests of nature conservation and the conservation of European Protected Species and to ensure the most up to date survey information informs the ecological mitigation and management on the site.
37. In the interests of nature conservation and the conservation of European Protected Species and to ensure that an approved great crested newt Conservation Plan is implemented, which protects great crested newts affected by the development.
38. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity in a phased manner. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.
39. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity in a phased manner and to assist effective compliance monitoring and management. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.
40. In the interests of the restoration of the site. To ensure restoration is carried out at the earliest opportunity in a phased manner and to assist effective compliance monitoring and management. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the site to be put to beneficial after-use.
41. In the interest of preserving ecological interests and protecting habitats and nature conservation from contamination and invasive species.
42. For the avoidance of doubt, in the interests of nature conservation, and the conservation of protected species.
43. In the interest of protection of the environment and water resources.
44. In the interest of public amenity and safe use of a public right of way and to improve the amenity of the public right of way.
45. In the interests of the restoration of the site, to ensure that restoration is carried out at the earliest opportunity, and to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To enable the site to be put to beneficial after-use.
46. To assist compliance monitoring, in the interests of the restoration of the site, to ensure that restoration is carried out at the earliest opportunity, and to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To enable the site to be put to beneficial after-use.
47. In the interests of the restoration of the site, to ensure that restoration is carried out at the earliest opportunity, and to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local

- area, visual amenity, in the interests of nature conservation, and biodiversity. To enable the site to be put to beneficial after-use
48. In the interests of the restoration of the site, and to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To accommodate any unforeseen changes on site and to enable the site to be put to beneficial after-use.
 49. In the interests of the restoration of the site, and to ensure that the quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To accommodate any unforeseen changes on site and to enable the site to be put to beneficial after-use.
 50. In the interests of the successful aftercare of the site, and to ensure that the quarry is managed and restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity and to enable the site to be put to beneficial after-use.