

## APPENDIX 1

Reasons for refusal of application 15/2011/0692

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

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

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

## APPENDIX 2

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

MES

**ITEM NO:**

**WARD NO:** Llanarmon Yn Ial / Llandegla

**APPLICATION NO:** 15/2011/0692/ PF

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

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

**APPLICANT:** Mr Graham Edwards G & K Edwards Ltd.

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

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

### CONSULTATION RESPONSES:

LLANARMON YN IALCOMMUNITY COUNCIL:

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

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

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

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

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

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

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

#### **Highways, Transportation & Communications**

##### **TRA 6 Impact of New Development on Traffic Flows**

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

#### **Community Council Observations**

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

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

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

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

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

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

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

#### LLANFYNYDD COMMUNITY COUNCIL

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

#### ENVIRONMENT AGENCY:

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

#### COUNTRYSIDE COUNCIL FOR WALES:

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

#### WELSH WATER/DWR CYMRU

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

#### CLWYDIAN RANGE AONB JOINT ADVISORY COMMITTEE

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

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

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

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

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

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

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

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

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

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

#### HEALTH AND SAFETY EXECUTIVE

No objection

#### BETSI CADWALADR UNIVERSITY HEALTH BOARD

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

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

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

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

#### GEODIVERSITY OFFICER

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

#### SP ENERGY NETWORKS

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

#### CLWYD-POWYS ARCHEOLOGICAL TRUST

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

#### LLANARMON AND DISTRICT CONSERVATION SOCIETY

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

#### CLWYD BADGER GROUP

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

#### CLWYD BAT GROUP

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

#### RAMBLERS ASSOCIATION

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

#### AIRBUS

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

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES HEAD OF TRANSPORT AND INFRASTRUCTURE

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

#### Pollution Control Officer

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

#### COUNTY ECOLOGIST

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

#### COUNTY ARCHAEOLOGIST

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

#### DRAINAGE OFFICER

No comments received

#### **RESPONSE TO PUBLICITY:**

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

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



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

D. Millar AM/AC  
C. Nelson, 1, Eliot Close, Long Eaton, Nottingham (O)  
A. & M. Nickson, Tabernacle Chapel, Graianrhyd Road, Graianrhyd e-mail  
Mr. & Mrs. J. R. Owen, Ty-Isa, Graianrhyd Road, Llanarmon-yn-Ial (O)  
Mr. R. Owen, Garreg Fawr, Eryrys (e-mail)  
The Owner/Occupier, 29, Llys Elanor, Shotton  
Mrs. O. A. Peters, The Old Gate House, Graianrhyd, Llanarmon  
Ms. B. Peters, The Bungalow, Graianrhyd (e-mail)  
S. Pygott, 9, Grays Road, Mynydd Isa  
Dr. & Mrs. D. Pyke, Tyddyn Cottage, Ffordd y Blaenau, Treuddyn e-mail  
I. Raper, Pen y Foel, Mynydd Du, Graianrhyd  
Mr Ian Raper & Ms Valerie Dale, Pen y Foel Farmhouse, Mynydd Du (O)  
Mr. G. Richards, The Eagles Rest, Eryrys (e-mail)  
Rob & Cheryl, Garreg Fawr, Eryrys, Mold (e-mail)  
A. Roberts, Bachgen Du, Pant Du Road, Eryrys (O)  
Aled Roberts AM, 18 High Street, Johnstown, Wrexham (C)  
D. Roberts, Clover Grange, School Lane, Llanarmon-yn-Ial (O)  
Mr. I. Roberts (e-mail)  
Mrs. Roberts, Berwyn, Graianrhyd Road, Graianrhyd (O)  
Ms. J. Roberts, Caeau Mostyn Mawr, Graianrhyd Road Llanarmon YI (e-mail)  
S. Roberts (e-mail) (O)  
Ian Robinson, Raymond Robinson and Ada Davies (email)  
Dr. D. & Mrs. L. Robertson, The Warren, Graianrhyd Road (e-mail)  
I. Robinson, A. Davies & R. Robinson (e-mail)  
G. Ryan, 8, Llay Place Avenue, Llay, Wrexham (O)  
A. Sandbach AM, The National Assembly for Wales (O)  
K. Sheel, Print Buyer, Castell Bank, Old School Lane (e-mail)  
M. Siddel, Ashlea, Rhydtalog Road (O)  
Geoffrey Siddell, Ashlea, Rhydtalog Road, Graianrhyd  
Mr. N. Sincock (e-mail)  
R. G. Spratley, Berthen Gron, Eryrys, Mold  
V. Stefler, 78, Smarts Lane, Ig10 4bs (O)  
L. Stevenson, 31, St. Peter's Park, Northop (O)  
P.W. Stewart, 87, Mareham Lane, Sledford, Lincs. (O)  
Ms B Tait (email)  
S. Teasdale Jones (e-mail) (O)  
C. J. Thomas, (Clerk) Llanfynydd C.C., Droed-y-Mynydd (e-mail)  
Councillor Carolyn Thomas (e-mail)  
E. Thomas, 12, Clayton Drive, Prestatyn (O)  
Mr. E. Thomas, 12, Clayton Drive, Prestatyn  
Mr. P. Thomas, Heswall, Wirral (e-mail)  
Mr. P. Thomas, Longhope Cottage, Graianrhyd  
Ms. E. Thomas (e-mail)  
Ms. R. Thomas (e-mail)  
P. & B. Thomas, Longhope Cottage, Graianrhyd Road, Graianrhyd (e-mail)  
P. Thomas, 24, Tan y Mor, Abergele (O)  
R. Titmuss, 11, Chapter Chambers, Chapter St., London (O)  
Dr. & Mrs. R. B. Trueman, Tyn-y-Chwarel, Ffordd Rhyd-y-Ceirw, Graianrhyd  
D. & R. Walker, 1, Roberts Close, Everton, Lymington (O)D.  
Walker, 1, Roberts Close, Everton, Lymington (O)  
John Ward (e-mail)  
C. Watts, 62, Weltje Road, Hammersmith (O)  
Mr. G.H.D. Williams, Hawthorne Villa, Corwen Road, Treuddyn (e-mail)  
V. Williams (e-mail) (O)  
J. Wilson, 3, Tudor Court, Hope (O)  
Mr. R. Wilson, Rowan House, Graianrhyd (e-mail)  
Ms. K. Wilson, 307 Old Chester Rd., Rock Ferry, Birkenhead x2  
Wong (e-mail)  
Mr. K. Wood, Rhewl Lwyd, Abbeylands (e-mail)  
A. J. Worthington, Bryn Mor, Cefn Bychan Road, Pantymwyn (O)

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

Summary of planning based representations in objection:

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

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

Visual and landscape impact – Impact on AONB/ lighting

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

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

Ecological impact – disturbance to wildlife and loss of habitat

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

Health impacts – unknown factors / need for Health Impact Assessment

Ground stability – unknown impact on stability

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

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

Other representations:

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

Letters of support have been received from:

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

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

Summary of planning based representations: Support

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

**EXPIRY DATE OF APPLICATION:**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

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

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

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

## 1.2 Description of site and surroundings

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

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

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

### 1.3 Relevant planning constraints/considerations

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

### 1.4 Relevant planning history

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

### 1.5 Developments/changes since the original submission

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

### 1.6 Other relevant background information

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

## **2. DETAILS OF PLANNING HISTORY:**

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

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

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

### **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

#### 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

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

#### 3.2 GOVERNMENT GUIDANCE

#### 3.3

##### Planning Policy and Guidance

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

##### Waste Strategy Policy and Guidance

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

#### 3.4 REGIONAL GUIDANCE

- North Wales Regional Waste Plan 1<sup>st</sup> Review

### **4. MAIN PLANNING CONSIDERATIONS:**

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

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

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

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

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

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

**Importing material**

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

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

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

4.2.2 Need and Best Practicable Environmental Option (BPEO)

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



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

#### Need for waste disposal/recovery

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

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

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

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

### Recycling

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

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

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

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

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

#### 4.2.3 Duration of the development

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

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

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

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

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

#### 4.2.4 Visual and landscape impact

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

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

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

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

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

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

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

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

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

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

#### 4.2.5 Noise and Vibration

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

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

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

#### Noise: Cumulative impact

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

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

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

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

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

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

#### 4.2.6 Dust

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

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

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

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

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

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

#### Dust: Human Health

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

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

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

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

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

#### 4.2.7 Residential amenities

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

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

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

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

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

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

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

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



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

#### 4.2.8 Highways

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4.2.9 Public Rights of Way

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

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

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

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

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

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

#### 4.2.10 Ecology

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

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

##### *Great Crested Newts*

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

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

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

#### Bats

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

#### Badgers

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

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

#### 4.2.11 Hydrology (and water quality)

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

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

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

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

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

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

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

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

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

#### 4.2.12 Drainage

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

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

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

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

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

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

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

- Financial guarantees

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

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

- Geodiversity

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

- Prematurity

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

- The status of the Regional Waste Plan

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

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

- Health Impact Assessment

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

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

## **5. SUMMARY AND CONCLUSIONS:**

5.1 This proposal is intended to facilitate the restoration of Maes y Droell Quarry, a silica sand quarry which has been operating since 1880. The quarry is permitted to operate until the 21<sup>st</sup> of February 2042 and the extraction of mineral can take place up to and including this date. The proposal involves the importation of inert waste which would be processed and recoverable material taken off-site for use elsewhere.

5.2 There are local concerns in objection to the proposal on a number of grounds including, impact on residential amenity, on the AONB and its setting, on highways safety, on human health, and from noise, and dust. There is also some support expressed given the direct and indirect employment opportunities that the proposal would generate.

5.3 The key planning considerations in relation to this proposal are considered to be the impacts on the AONB and its setting, on residential amenity, particularly as a result of dust and noise, on protected species, and on highway safety.

5.4 The proposal is likely to result in an increase on current levels of activity within the site which may increase the potential for nuisance resulting from dust, noise and vehicle movements. Given to the proximity of residential properties and the nature of the proposal there may be instances when activity may result in noise exceeding the current and proposed noise limits, but these would be limited to compaction activities during phase 1 at or near surface working. Measures to carefully control noise are proposed by the applicant and can be secured via condition. Monitoring would be required to ensure that any breach of controls are kept to a minimum and are within the limits set by MTAN 1. Measures to control dust can be secured via condition and will require careful management of the site. The site will require an Environmental Permit which will also control matters such as noise and dust.

5.5 The proposal includes the creation of a new access along the road running east from the B5430 junction with the Eryrys Road. The proposals illustrated on the plans can only achieve a visibility splay below that specified within TAN 18, but in order to address this shortcoming, the applicants have advised that they are willing to revise the location/alignment of the proposed access so that the required visibility splays can be achieved to the west and the east. The use of a Grampian condition to secure a satisfactory access prior to the commencement of operations would ensure that the proposals do not have an unacceptable impact on highway safety, and on this basis,



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

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

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

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

B) Compliance with the following conditions:-

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

1. COMMENCEMENT

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

2. NOTIFICATION OF COMMENCEMENT/COMPLETION

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

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

3. DURATION

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

4. APPROVED DOCUMENTS

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

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

5. APPROVED WASTE TYPES

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

## 6. HIGHWAYS

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

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

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

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

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

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

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

## 13. HOURS OF OPERATION

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

## 14. NOISE

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

## 15. DUST

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

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

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

#### 16. BURNING

There shall be no burning of any materials on site.

#### 17. LIGHTING

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

#### 18. VIBRATION

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

#### 19. RESTORATION

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

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

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

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

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

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

#### 23. LIAISON COMMITTEE

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

#### 24. DRAINAGE

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

#### 25. ECOLOGY

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

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

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

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

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

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

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

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

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

connectivity through the site and provide additional bat foraging habitat;

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

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

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

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

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

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

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

### 31. POLLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENP1 and MEW 11 of the UDP.

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

**NOTES TO APPLICANT:**

Any crushers used on site shall be suitably permitted.

## APPENDIX 3

### Summary of advice from the Council's Highways Consultant

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

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

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

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

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