

PLANNING COMMITTEE

Date – 12th MARCH 2025

ADDENDUM REPORT BY HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair. They provide a summary of information received since the completion of the reports and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST (pages 5 - 6)
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 7 – 18)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Items 5 - 7)

ORDER OF APPLICATIONS

PART 1

	Application no.	Location	Page
Public speaker items			
5	21/2021/1194	BURLEY HILL QUARRY, ERYRYS	19
6	41/2023/0798	MANNINAGH, BODFARI	123
Non Speaker items			
7	47/2023/0708	FORMER RHYL RUGBY CLUB, WAEN ROAD, RHUDDLAN	155

PUBLIC SPEAKER ITEMS

Item No.5 – Page 19

Code No. 21/2021/1194

Location: Burley Hill Quarry, Pant Du Road, Eryrys

Proposal: Section 73 application to continue the development at Burley Hill Quarry without complying with the time limits imposed by conditions 1, 26 and 30 of a Schedule 14 Environment Act 1995 Review of conditions (ref 21/2002/0009), and to revise the time limits to allow a continuation of extraction for a period of 15 years from the date of determination of the application.

LOCAL MEMBER: Cllr Huw Williams
Cllr Terry Mendies (c)

OFFICER RECOMMENDATION: TO DEFER

PUBLIC SPEAKER FOR – Tiffany Cox (Applicant)

PUBLIC SPEAKER AGAINST – Allan Morgans (Llanferres Community Council)

Addendum Report – None

Late representations – None

Additional Information – None

Officer Note –

Points for Clarification Paragraph 4.2.13

It is considered necessary to expand further on the report to ensure clarity to the matter outlined in relation to the consideration of the 'downstream' indirect effects with regards to the impacts on climate change and the proposed development which is reported at paragraph 4.2.13, page 98 of the report.

For the avoidance of doubt, the Council consider the Environmental Statement that accompanied the planning application to be complete. Climate Change is considered as part of the Environmental Statement and concluded that, overall, with the application of standard good practice measures, the residual risk of adverse effects due to fugitive dust is slightly adverse (at most) at all receptors. Daily inspections and observations would minimise these risks. The resulting effects on amenity, health (PM10) and ecology resulting from fugitive dust would not be considered to be significant. Potential adverse impacts and effects at receptors due to exhaust emissions from vehicle movements on the local highway would be negligible. The residual effects associated with vehicle exhaust emissions would not be considered to be significant. The overall effects of the Proposed Development with regards to air quality would also not be considered to be significant. The Council agrees with this assessment.

In the Supreme Court judgement of *Finch v Surrey County Council (2024)*, the court ruled that in the case of a project to extract oil, the EIA needed to address downstream effects of that product in use, namely the burning of oil in that case. Thus, consideration must be given as to whether and, if so, what downstream effects on climate change might arise from other developments. It is evident that some key aspects of general aggregates use are different from oil in ways identified in the ruling which would not justify assessment of downstream effects. It is also clear that the variety of uses and applications would likely render it impossible to make a meaningful and evidence-based assessment of many final downstream aspects. As there are a variety of end uses that the aggregate produced by the quarry could be used for, it is impossible to quantify the potential indirect impact on climate change. The Supreme Court's judgement (*Finch v Surrey County Council, 2024*), stated that EIA is not a matter for speculation. If something cannot be measured, then this is not a matter for EIA.

When considering downstream indirect effects with regards to the impact on climate change and its significance, in EIA terms, it is considered that the downstream effects of producing and exporting aggregate for use in construction would not be significant in EIA terms and would be beyond the scope of this Environmental Impact Assessment.

The additional information is provided as a point of clarity and does not affect the recommendation in the report.

Suggested Amended conditions

Condition No. 16

Should planning permission be granted, it is recommended to amend the wording of condition no.16 to allow some flexibility in the number of blasts per year. In the application, it was suggested that up to six blasts would take place per year to yield the amount of mineral per blast with the predicted average rate of 300,000 tonnes per annum. However, it is considered reasonable and necessary to allow for some additional blasts with the prior written consent of the mineral planning authority as it is possible that each blast may not produce the predicted 50,000 tonnes per blast.

It is suggested that the condition is amended to state:

*"Except in the case of emergency to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), no blasting shall take place at the site except between 1000 and 1600 Monday to Friday, there shall be no more than **six** blasts events in any 12-month period (unless otherwise approved beforehand in writing with the Mineral Planning Authority), and there shall be no blasting on Saturdays, Sundays, and Public Holidays.*

For the purpose of this Condition, "emergency" means any circumstances in which the operator has a reasonable cause for apprehending injury to persons or serious damage to property.

Should planning permission be granted, it is suggested that the above condition is amended accordingly. Also, during the formatting of the Committee Report, it would appear that the numbering of the proposed conditions have been affected and changed. Should planning permission be granted, Officers will check condition numbering to ensure condition references

are accurate. For example, the suggested amendments to the condition for the number of blasts per year should be numbered No.17.

Item No.6 – Page 123

Code No. 41/2023/0798/ PF

Location: Manninagh, Bodfari

Proposal: Erection of extensions and alterations to existing dwelling including the erection of a replacement detached garage and associated works

LOCAL MEMBER: Cllr Chris Evans (c)

OFFICER RECOMMENDATION: TO GRANT

PUBLIC SPEAKER FOR – Rhys Davies (Agent)

PUBLIC SPEAKER AGAINST – none

Addendum Report – None

Late representations – None

Additional Information – None

Officer Note – None

NON SPEAKER ITEM(S)

Item No.7 – Page 155

Code No. 47/2023/0708/ PF

Location: Former Rhyl Rugby Club, Waen Road, Rhuddlan, Rhyl

Proposal: Change of use of land and existing club building to form glamping site including the siting of 9 glamping pods, relocation of existing access, formation of internal roads and pathways, installation of 2 No. package treatment plants and associated works –
AGREEMENT OF PLANNING CONDITIONS TO BE IMPOSED

LOCAL MEMBER: Cllr Chris Evans (c)

OFFICER RECOMMENDATION: TO AGREE THE IMPOSITION OF THE SUGGESTED CONDITIONS AS DRAFTED IN THE REPORT

Addendum Report – None

Late representations – None

Additional Information – None

Officer Note – None
