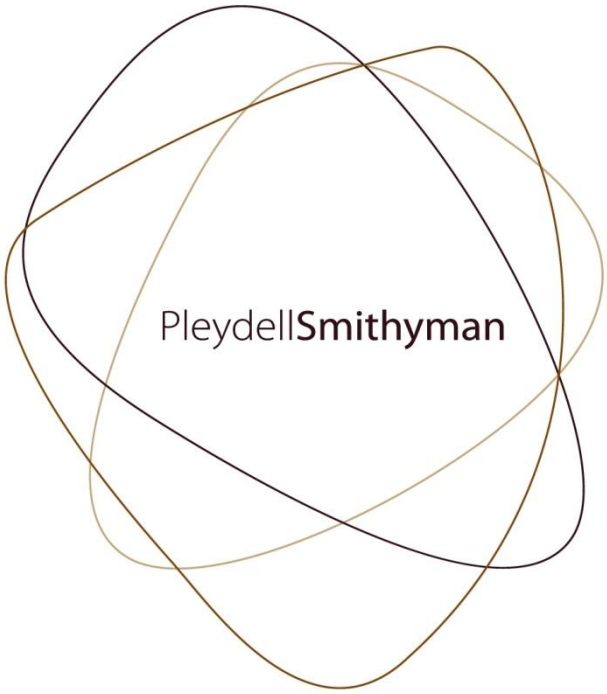

DENBIGH QUARRY,
PLAS CHAMBRES ROAD, DENBIGH, DENBIGHSHIRE LL16 3YE

CONSOLIDATING APPLICATION FOR THE EXTENSION OF WINNING AND WORKING OF LIMESTONE, IMPORTATION OF INERT WASTE AND RESTORATION TO AMENITY

VOLUME 1

PLANNING STATEMENT

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1. INTRODUCTION

1.1. Background to Application

1.1.1. Denbigh Quarry is located to the north of the town of Denbigh and is operated by Breedon Southern Limited. The consented reserves in the existing quarry have a finite life and the applicant is now seeking, through this consolidating application, a westward extension of the winning and working of limestone and the importation of inert material to provide an improved restoration profile.

1.2. Planning History

1.2.1. The workings at the existing site pre-date the first Planning Act of 1947 and were granted permission under the Interim Development Acts. Planning permission was subsequently granted under various Planning Acts for the winning and working of mineral as well as the installation of plant and buildings.

1.2.2. Although the planning history of the Denbigh quarry extends back beyond 1999 only the more recent and relevant consents are set out below;

Amended restoration scheme for quarry

Granted - 23.10.2000 - Reference Number: 15/1999/0882

Variation of condition 2 previously imposed under planning permission granted under code no 25/6695/1, to allow for the relaxation of working hours for a temporary period from 23/10/00 to 16/12/00.

Granted - 22.11.2000 - Reference Number: 15/2000/0754

Variation of condition no. 2 of planning permission code no. 5/11355 to allow a further 10 year period for the completion of mineral operations

Granted (15/3/2010) - Reference Number: 01/2009/1424

Pending Planning Applications

1.2.3. First Review application in respect of planning permission 5/1/12724/ID and 5/11355 - Graig Quarry, Graig Road, Denbigh - Decision: PENDING

1.2.4. The existing quarry was also due to be restored in accordance with the approved Final restoration Plan (D4/51b dated Jan 1991) by 14th March 2020. A planning application was submitted on 9th September (Ref. 01/2019/0757) for the extension of this time period to allow for the completion of winning and working of the previously consented mineral reserve. This application received a resolution to grant planning permission, subject to completion of a legal agreement. That legal agreement has now been agreed between all the parties.

1.3. Legal Requirement for Application

1.3.1. All development requires some form of consent, whether through planning permission or permitted development rights. The Town and Country Planning Act 1990 defines development and is amended by the Planning (Wales) Act 2015. Both Acts are supported by statutory instruments which offer clarity on the procedures that are to be followed in order for the consideration of applications and the grant of planning permission.

1.3.2. The current proposals fulfil the definition of 'major' development as they consist of the winning and working of mineral.

1.4. Application Submission Package

1.4.1. This Planning Statement is Volume 1 of the application document and comprises This Statement, relevant drawings and the required forms and certificates. The Statement is supplemented by several Appendices that contain information on specific topics that are not 'environmental' considerations.

1.4.2. Volume 2 is the Environmental Statement (ES) which, under the guidance of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, assesses the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. The Appendices to the ES contain the primary and secondary data that has been collected and on which the assessments are based.

1.4.3. The ES is accompanied by a Non-Technical Summary which explains findings of the different assessments in simple terms. This summary has been produced in English and Welsh so that the widest dissemination of information can take place.

1.5. Purpose and Structure of Planning Statement

1.5.1. This Statement sets out, in a logical sequence, the background to the proposals, a detailed description of those proposals, a summary of the environmental effects and how these factors are dealt with in terms of the Development Plan that is in force and other material considerations.

1.5.2. The development is described in terms of its' location and the type of operations that are to be carried out. The summary of environmental effects involves a small amount of duplication of the Environmental Statement but references those findings in order to place them in a Policy context.

2. DESCRIPTION OF THE DEVELOPMENT

2.1. Location

2.1.1. Denbigh Quarry is an active limestone quarry, north of the town of Denbigh in Denbighshire (See Figure M18.155.D.001 within Appendix 2 of this report). The existing site comprises 28.3 hectares and is located within the administrative areas of Denbigh Town Council and Denbighshire County Council.

2.1.2. The proposed extension area covers approximately 5ha. To the north, west and south the contiguous land is rural, predominantly agricultural fields and woodland comprising pasture and a mix of ancient and more recent woodland. Craig Mawr Wood to the north of the proposed extension site is a Site of Special Scientific Interest (SSSI) and another SSSI (Graig Quarry) is situated 150m to the southeast of the proposed extension area. Part of the woodland within the consented site, outside the extraction area and to the south of the existing site, is the subject of a Tree Preservation Order

2.1.3. Further to the south, at a distance of approximately 250m from the southern boundary of the application site, is the northern boundary of the town of Denbigh. The eastern boundary of the proposed extension is the existing quarry which is, itself, bounded on the east by Graig Road, with the Colomendy Industrial Estate further to the east. There are proposed changes to several plots within the Industrial Estate which are considered in a 'cumulative' context in the Environmental Statement.

2.1.4. The existing quarry is accessed off Graig Road via a purpose-built access road that is owned by the applicant Company and all access to the extension area would be via the existing site. Use of this access to the concrete batching plant immediately to the south of the access point is exercised by another operator but access to the quarry itself is exclusive to Breedon Southern Limited and dedicated to its operations at Denbigh quarry.

2.1.5. The proposed extension area consists of agricultural fields in use for pasture, to the west of the existing working area but also within the administrative area of Denbigh Town Council and to the south of the Crest Mawr woodland. The surrounding area comprises pasture and arable fields.

2.1.6. Within the site there are, effectively, two water catchment areas. The first catchment is the main quarry and future extraction area which drains into the main quarry, where natural soakaway occurs. The second is the remainder of the application area which drains towards the east, where it is captured and passed, through settlement lagoons before being discharged eastwards beneath Graig Road under a discharge consent. The boundary between the two catchments is on the access road at an elevation of approximately 108m AOD.

2.1.7. The existing quarry operations have been established, on this large scale, in the local landscape over the last 70 years. On a smaller scale, stone from the site has been identified in significantly earlier buildings in the older areas of Denbigh Town. The context is described in Appendix 3 to the Environmental Statement – Heritage Statement. Denbigh Castle is a Scheduled Monument and Grade 1 Listed building situated at a high elevation to the south of the town commanding views in all directions.

2.1.8. The closest residential dwellings to the proposed extension are located at the northern end of Bryn Seion approximately 250m to the south of the application boundary. The amenity of these and other local properties would be safeguarded through mitigation measures including standoff areas and the use of temporary landscape screening landforms within the application boundary i.e. working operations are more than 250m from the edge of these properties.

2.1.9. There is one public footpath within the application site boundary (footpath ref: 508/6) which helps to connect Denbigh to the northern rural area. At the point where footpath 508/6 departs the development envelope of Denbigh another footpath (508/5) departs in a northwesterly direction passing within 50m of the proposed extension. Footpath 508/6 is on the boundary between the existing quarry and the proposed extension running north to south.

2.2. Operations and Phasing

2.2.1. This is a consolidating application that covers the operations in both the existing quarry and the extension area. The extension area will release approximately 4.4 million tonnes of saleable mineral giving an overall life of mineral extraction of 25 years. To allow for market fluctuations and the completion of restorations an end date of 31st December 2047 is requested.

2.2.2. The predicted/proposed phasing of the extraction, from both the existing quarry and progressing through the extension, is shown on Drawings M18.155.D.024 to 027 and 038 (Phases 1 to 5 – 2023 to 2047). Minor amendments may be required, from time to time, under other regulatory processes to take account of geological changes. Those other regulatory regimes have informed the proposed design, principally in terms of safety. However, the general sequence and location of phases will follow those shown on the drawings.

2.2.3. In the existing quarry the stone will continue to be drilled and blasted before being moved to the mobile plant for processing where it is crushed and sorted by size. These techniques will be continued into the extension area. Processed, saleable product is loaded onto road-going HGV transport which then proceed to the public highway via the weighbridge adjacent to the site office.

2.2.4. Current routing arrangements to reach the main highway network will continue to be observed throughout the extended life of the extraction.

Following the community consultation exercise all vehicles departing the site are advised to follow the most direct route through the Colomendy Industrial Estate for all but local deliveries – local deliveries will be those that are to be off-loaded between the quarry and the B5428, Trefnant to Henllan road.

2.2.5. The first operation in the extension area will be to install the footpath diversion along the approved route. Pre-commencement screen planting, in the first available planting season following the grant of planning permission, would take place along the southern application boundary to allow for a period of maturation before soils are disturbed.

2.2.6. Subsequently, the soils would be stripped from the whole extension area (2022/3) and used for one of three purposes – peripheral screening mounds, immediate placement to complete restoration phases or storage within the base of the quarry for use in later restoration. All soils would be handled when they are dry and friable in accordance with the MAFF Good Practice Guide for Handling Soils (April 2000). The external toe of the screening/attenuation bunds has been moved from the position as described in the Scoping Report to a distance of 30m from the boundary of the Crest Mawr SSSI.

2.2.7. The peripheral bund, as shown on the phasing drawings will be grass seeded in the first available season following the formation of the bunds. Screen planting will also be carried out in order to break up the straighter lines of the bunds. Surplus overburden will be used to create a new southern ramp to the upper level of the quarry or directly placed in the next restoration phase in the main quarry.

2.2.8. As the quarry deepens it is anticipated that groundwater will flow into the lowest area and this water will be pumped to the east of the site where it will be managed through the existing settlement lagoons and discharge consent. Following the restoration of the site two separate catchments are created from the main quarry and the access/office area. Groundwater levels in the main quarry are expected to fluctuate allowing for the creation of an ephemeral water feature in the west of the site which will also, as the low part of this catchment, receive surface water drainage that will soak away. The southern catchment will be unaffected by groundwater and surface water will be drained towards the existing lagoons and discharged as currently.

2.2.9. The stone in the extension area would be blasted and removed under the same environmental operational constraints as are currently imposed on the main quarry. The stone would be removed from the extension area for processing in the same area that is currently used. The phasing has been designed in order to allow progressive restoration to occur whilst also preventing the sterilisation of mineral and retaining sufficiently large working, transportation and stocking areas.

2.2.10. It is proposed to import up to 100,000 tonnes of inert restoration material each year from 2022/3 onwards, over the life of the extraction, in order to create a restoration profile in the northern section of the existing quarry that is close to original levels allowing the ‘bridge’ between the two larger

areas of woodland to be enhanced. The importation would commence following the closure of the Maes Mynan Quarry site so that a necessary disposal facility is maintained in the local area. However, only material derived from indigenous sources (waste rock and clay) would be used to bring levels back up above predicted groundwater levels.

2.3. Restoration

2.3.1. The existing quarry has, under Planning Permission 01/2009/1424/PS dated 15 March 2010, an approved restoration scheme as shown on Drawing D4/51b. That scheme shows a single plateau falling at a gentle gradient from 110m Above Ordnance Datum (AOD) in the northern box cut all the way through to approximately 84m at the entrance onto Ffordd Y Graig road. All plant and buildings are shown as having been removed with the main quarry split up into four fields by new hedgerows. The hedgerows connect blocks of woodland with additional new woodland/shrubs on the benches.

2.3.2. All existing water areas are removed from the site and there will be a seasonally wet area within the extension area. The surface water drainage system for the eastern side of the quarry would be maintained but would no longer be fed from the western side of the quarry (see Fig 27 of the Hydrology and Hydrogeological Impact Assessment accompanying the ES). If the site is fully exploited through the current planning permission, it would not be possible to restore the site without the importation of fill material. Condition 6 of that permission allows for the importation of restoration material if previously approved by the Local Planning Authority. When the applicant took over the quarry very little soil was present on site for restoration purposes so it would be necessary to import soils, as a minimum, in order to achieve any form of restoration that involves a growing medium.

2.3.3. The restoration of the main quarry envisages the raising of levels in the northern box cut to return it close to original ground levels with a deeper thickness of soils for tree planting. It would initially be grass seeded for stabilisation and to prevent erosion prior to trees being planted.

2.3.4. The proposed extension occupies agricultural land to the west of the existing Denbigh Quarry operations, currently used for pasture. The proposed restoration for the extension area would adopt the principles expressed in the scheme as shown on drawing M18.155.D.007. Those are;

- Creation of a Priority Habitat (Calcareous Grassland) along the western part of the main quarry floor with a gentle slope to allow for natural drainage and also on the former access/office/weighbridge area;

- The creation of two surface water catchments allowing for natural soakaway to the underlying limestone in the main quarry and utilisation of the retained settlement lagoons/discharge, in a more sympathetic layout in the eastern catchment. This retention and new profile/layout will preserve and enhance the Great Crested Newt presence that has been identified in this area;

- The formation of woodland on the northern end of the site which has been brought back up to an elevation close to original ground levels improving the connectivity between Crest Mawr SSSI and Coed Parc Pierce woodland. Retention of the screen planting around the extension area to form a vegetation link between the existing mature woodland around the south of the site and Crest Mawr SSSI. Natural regeneration of trees and shrubs assisted by the addition of soil forming materials;

- The importation of up to 100,000 tonnes of inert restoration material per annum to achieve a higher elevation of restoration in the northern end of the site from 2022.

2.3.5. In addition, south-facing slopes that are visible from Denbigh may be hydroseeded in order to encourage vegetation growth and reduce the contrast of the rock with the adjacent vegetation.

2.3.6. The adoption of a concept restoration with 'guiding principles' for an operation of this proposed duration is an approach advocated by Minerals Technical Advice Note 1: Aggregates at paragraph 97. It is anticipated that the restoration scheme will be reviewed on a regular basis in accordance with the recommendations of this document.

2.4. Community Consultation

2.4.1. The Planning (Wales) Act 2015 introduced a mandatory pre-application process for 'major' developments which include the winning and working of minerals. In accordance with the provisions of the Development Management Procedure (Wales) Order a Site Notice in the prescribed form was placed at various points around the perimeter of the site and sent to the owners and occupiers of land that adjoins the quarry.

2.4.2. The application is being/has been the subject of a statutory consultation period of minimum 28 days, having been made available between 12th November and 10th December 2021.

2.4.3. The applicant held a public exhibition on 4th December 2019 at the Denbigh Rugby Club having distributed over 1300 leaflets directly to the nearest properties. The exhibition was open for five hours allowing residents to attend inside and outside of school opening times and outside normal hours of employment. Fifty-two members of the public/local Councillors attended and nineteen feedback forms were completed. Several forms were taken away but have not been returned to the applicant.

2.4.4. Given the lapse in time between that event and the completion of the application documentation it was considered appropriate to undertake a second public engagement event and this took place on 30th September 2021. Having listened to the criticism of the previous venue this event was moved to Denbigh Town Hall and over 1200 leaflets were circulated to addresses in Denbigh that were nearest to the proposed development.

2.4.5. The feedback has been summarised in the accompanying Pre Application Publication Consultation Report at Appendix 4 and the redacted forms are reproduced in full in an Appendix to that document.

3. ENVIRONMENTAL IMPACTS

3.1. Introduction

3.1.1. The environmental impacts of the proposal are assessed in the separate ES (Volume 2), which includes all of the technical data supporting the assessments and are summarised below. Some topics have been scoped out of the ES and are considered below in Policy terms.

3.1.2. The assessment process has been carried out in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) 2017 ("the Regulations"). The assessments have been carried out by competent, experienced personnel and the ES itself, has been compiled by Richard Hunt, MRTPI, who has twenty years of experience in both analysing and compiling such documents for complex, minerals-related projects.

3.1.3. The content of the ES, a stand-alone document containing all the information required to assess the impacts of the development, has been guided by Schedule 4 to the Regulations and a summary is provided below.

3.2. Scoping

3.2.1. A formal request for a Scoping Opinion on the content of the ES was submitted to the MPA on 1st July 2019 and the response was issued on 14th August. The opinion directed the applicant to the requirements of Schedule 4 of the Regulations as to the content of the ES. The Opinion expressed broad agreement with the scope suggested by the applicant but asked for consideration of the potential impact of Ash die-back on screening of the site.

3.2.2. The ecological scope was considered to be appropriate, as was the proposed assessment of Landscape and Visual Impact but the Opinion recommended a change to the methodology for the assessment of impact on historic landscape. The Opinion also suggested that noise receptors considered by the ES should reflect those which have been identified for previous assessments rather than the suggested list.

3.2.3. A number of submissions relating to the water environment are required but a 'Flood Consequence Assessment' is not needed. As the proposed production and transport levels will remain at or below that which is currently permitted Traffic considerations are scoped out of the process.

3.2.4. Whilst not strictly 'environmental' concerns the Opinion identifies other topics that need to be addressed through the overall application relating to Public Rights of Way, 'need' for the mineral and justification of the importation of inert material for restoration purposes.

3.3. Landscape and Visual Impacts

3.3.1. The full Landscape and Visual Impact Assessment (LVIA) is included in the Environmental Statement and its' accompanying Appendices. It follows the approved Landscape Institute Guidance methodology and assesses 16

viewpoints that are close to the site, in the 'medium' ground and at long distance. The assessment considers the types of landscape within the site and the vicinity of the site, the features that make up the relevant character types and the ability/capacity of the site to accept change.

3.3.2. The historic landscape character has been considered separately, through the ASIDHOL process (endorsed by Welsh Government/Cadw/CCW), in the Archaeology and Cultural Heritage Chapter of the ES.

3.3.3. The LVIA commences with a desk study of the available information, creation of a Zone of Theoretical Visibility drawing and moves to data collection in the form of site visits and photography from appropriate viewpoints. All the data is then collated to establish the sensitivity of the receptors, the magnitude of the impact and the overall significance of the impact. Mitigation measures are then identified and, assuming their implementation, the residual impact of the development proposal is expressed.

3.3.4. Some of the mitigation is built in to the design (see para 3.10 below). The findings of the LVIA are set out in Table 6 of the LVIA and reproduced below;

VP No.	Location	Distance / direction to the Site	Sensitivity (Value/ Susceptibility)	Magnitude (maximum)	Effect at Yr 1 Operational Phase	Effect at Yr 15 Operational Phase (residual effect)
CLOSE RANGE						
1	View from public footpath close to northern boundary of Site	15m north	High (High/High)	Medium to Low	Moderate adverse	Minor adverse
2	View from public footpath close to southern boundary of Site	Within the Site	High (High/High)	Medium to Low	Moderate adverse	Minor adverse
3	View from public footpath to the south-west of the Site	100m northeast	High (Medium to High/High)	Low to Very Low	Moderate/ Minor adverse	Neutral
4	View from public footpath to the south of the Site	150m northeast	High (Medium to High/High)	Low to Very Low	Moderate/ Minor adverse	Neutral
5	View from public footpath to rear of dwellings on Bryn Seion, Denbigh	290m north	Medium (Medium to Medium/High)	Very Low	Minor adverse	Neutral
MEDIUM RANGE						
6	View from Burgess Gate at Leicester Terrace	970m north	Medium (High/Medium to Low)	Very Low	Minor adverse	Neutral

VP No.	Location	Distance / direction to the Site	Sensitivity (Value/ Susceptibility)	Magnitude (maximum)	Effect at Yr 1 Operational Phase	Effect at Yr 15 Operational Phase (residual effect)
7	View from Ffordd Newydd at junction with Castle Hill	990m northwest	Medium (Medium-High/Medium-Low)	Very Low	Minor adverse	Neutral
8	Views from battlements on Denbigh Castle	1.1km northwest	High (High/ High)	Very Low	Moderate/ Minor adverse	Neutral
9	View from southwestern edge of Denbigh Castle	1.15km northwest	High (High/ High)	Very Low	Moderate/ Minor adverse	Neutral
10	View from A543 on edge of Denbigh	980m north	Low (Low/Low)	Very Low	Minor/ Negligible adverse	Neutral
11	View from B4501 near Council Offices	1.16km north	Low (Low/Low)	Very Low	Minor/ Negligible adverse	Neutral
12	View from public footpath at junction with B4501	1.17km north	Low (Low/Low-Medium)	Very Low	Minor/ Negligible adverse	Neutral
13	View from layby on A543 near junction with public footpath	1.19km northeast	Medium (Medium-High/Medium-Low)	Very Low	Minor adverse	Neutral
LONG RANGE						
14	View from public footpath on Balch Hill	1.67km north northeast	High (High/High)	Very Low to None	Minor adverse	Neutral
15	View from public footpath north of A543 and Broadleys Covert	1.67km northeast	High (Medium/High)	Very Low to None	Minor adverse	Neutral
16	View from Offa's Dyke National Trail on Penycloddiau	8km west	High (High/High)	Very Low to None	Minor adverse	Neutral

3.3.5. The LVIA also considers the visual impacts on other receptors, principally residential properties and concludes, at para 6.83 that;

"Views of the proposed development from the aforementioned dwellings, even at upper floor level, would be no greater than the very low magnitude recorded from Viewpoint 8 and, consequently, it is predicted that there is no potential for any Significant effects. This conclusion is based on a high sensitivity for receptors resulting in an overall Moderate/Minor effect at Year 1 (i.e. Not Significant) and a Neutral effect by Year 15."

3.3.6. The LVIA takes into account the changes in landscape due to the loss of agricultural land and the restoration proposals as shown on Drawing M18.155.D.007 Restoration Concept. It concludes that;

"In conclusion, due to the mitigation design the impact of the operational phase of the Proposed Development upon landscape and visual receptors would be minimised and no Significant effects are predicted.

Upon full restoration of the Site, the residual landscape and visual impact upon the identified receptor groups have been assessed to range from Moderate beneficial in terms of landcover elements (native planting) to Minor adverse in terms of close range visual effects from very localised parts of the public right of way network, which in all cases are Not Significant."

3.3.7. There are, therefore, no landscape and visual impediments to the development being consented.

3.4. Ecology, Biodiversity and Nature Conservation

3.4.1. The scope of the suggested surveys, as carried out and proposed in the Scoping Report, was endorsed by the Statutory consultees. These have been undertaken by qualified, experienced personnel and the results are included in the Appendices to the ES. The surveys have concentrated on the extension area and its immediate surroundings but the Preliminary Ecological Appraisal has considered the existing quarry and various surveys have expanded into the existing quarry to look at bat roosting and Great Crested Newt habitats.

Preliminary Ecological Appraisal

3.4.2. A Preliminary Ecological Appraisal (PEA) comprises an assessment of the habitat structure of the Site as a whole and aims to identify and provide further information. The survey is a standardised method of recording habitat types and characteristic vegetation, as set out in the Handbook for Phase I Habitat Survey – a technique for Environmental Audit (JNCC, 2010). The identified habitats are shown on Drawing M18.155.D.014 and comprise;

- Broad-leaved Semi-natural Woodland
- Broad-leaved Plantation Woodland
- Scattered Scrub
- Scattered Trees
- Improved Grassland
- Standing Water
- Quarry
- Ephemeral/Short Perennial
- Species-poor Defunct Hedgerow
- Buildings

3.4.3. The habitats are mostly considered important at 'site' level with Broad-leaved Semi-natural Woodland important at the 'local' level.

3.4.4. The potential construction and operational impacts are described as habitat loss (direct), noise, light and dust disturbance (indirect) and hydrological changes (direct/indirect). Habitat loss is inevitable as a consequence of the extraction operations including the removal of cliff faces on the western side of the quarry and the infilling of pond 1. Habitat is then subsequently created by the creation of new faces and the restoration operations.

3.4.5. There will be no additional lighting in the extension area and no change to the lighting in the existing quarry. Noise disturbance is predicted to be very localised and the additional impact related to the extraction of the extension has to be considered in the context of the existing quarry which already generates noise and vibration as part of the baseline situation.

3.4.6. The hydrological/hydrogeological impact assessment does not consider that any of the important habitats are groundwater dependent so hydrological changes are confined to the loss of Pond 1, which has been shown as free of Protected Species, and the creation of a seasonally wet, groundwater influenced, marsh grassland.

3.4.7. Overall the Ecological Impact Assessment (EcIA) considers that there will be negligible to short-term, temporary, reversible negative impacts on habitats.

Bats – Habitat and Activity

3.4.8. The surveys indicate that there are trees within the extension area that have low potential for roosting and no bats were observed entering or leaving these trees.

3.4.9. Due to the age of the original surveys an additional roost survey was undertaken of the trees that have potential for bat roosts. This follow-up survey confirmed the findings of the earlier survey.

Other fauna

3.4.10. The surveys, carried out by competent, experienced ecologists, are included in Appendices to the EcIA (ES) and show that the impacts of the proposed development are predicted to be temporary, reversible and significant at the site level for bats, Great Crested Newts, badger, other mammals, breeding birds and Invertebrates.

3.4.11. The EcIA then sets out (8.7 to 8.29) appropriate mitigation that can be implemented and which, through the vehicle of a Landscape and ecological Management Plan, is anticipated to have a high degree of success. The incorporation of the mitigation produces residual impacts at the levels shown in the table below. The EcIA also identifies enhancements that are/can be part of the proposals.

IEF	Nature of Impact	Impact in the absence of mitigation	Nature of mitigation	Impact significance after mitigation
Designated Sites				
Crest Mawr Wood SSSI	Potential noise and dust impacts	Short-term negative, temporary, reversible, significant impact at the site level	Control noise and dust levels, creation of soil bunds, use of good practice measures such as use of bowser to keep dust levels reduced.	Negligible impact **Not significant**
Deciduous Woodland priority habitat	Potential noise and dust impacts	Short-term negative, temporary, reversible, significant impact at the site level	Control noise and dust levels, creation of soil bunds, use of good practice measures such as use of bowser to keep dust levels reduced.	Negligible impact **Not significant**
Unimproved grassland priority habitat	Potential noise and dust impacts	Short-term negative, temporary, reversible, significant impact at the site level	Control noise and dust levels, creation of soil bunds, use of good practice measures such as use of bowser to keep dust levels reduced.	Negligible impact **Not significant**
Habitats				
Broad-leaved semi-natural woodland	Potential noise and dust impacts	Short-term negative, temporary, reversible, significant impact at the site level	Control noise and dust levels, creation of soil bunds, use of good practice measures such as use of bowser to keep dust levels reduced.	Negligible impact **Not significant**
Fauna				
Foraging/Commuting Bats	Removal of foraging habitat, disturbance from noise and dust.	Short-term negative, temporary, reversible, significant impact at the site level	Suitable stand-off from retained trees and boundary habitats. Phased restoration of habitats, increase and enhancement of foraging links to wider countryside. Management of noise and dust. Creation of woodland and grassland.	Negligible impact. **Not significant**
Great crested newts	Removal of terrestrial habitats and disturbance	Short-term negative, temporary, reversible,	Series of reasonable avoidance measures under non-licensed method statement.	Negligible impact. **Not significant**

IEF	Nature of Impact	Impact in the absence of mitigation	Nature of mitigation	Impact significance after mitigation
	from increased noise and dust generated. Re-working of Pond 2 during final restoration of the existing quarry.	significant impact at the site level	Phased extraction and restoration of greater habitats. Licensed work for the re-profiling of Pond 2 during final restoration. Update surveys and assessment prior to the final restoration.	
Badgers	Removal of foraging habitat.	Short-term negative, temporary, reversible, significant at the site level	Regular monitoring surveys to identify new activity. Creation of suitable foraging habitat in restoration. Production of a CEMP to detail the measures to safeguard badgers.	Negligible impact. **Not significant**
Breeding Birds	Removal of breeding and foraging habitat, disturbance from increased noise and dust levels	Short-term negative, temporary, reversible, significant impact at the site level	Sensitive removal of habitat regarding timing. Phased restoration of improved habitats, increase of foraging links to wider countryside. Creation of screening bunds. Management of noise and dust. Management of created habitats. Installation of bird boxes.	Negligible impact. **Not significant**
Invertebrates	Destruction of habitat. Disturbance from dust.	Short-term negative, temporary, reversible, significant impact at the site level	Phased extraction and restoration of greater habitat.	Negligible impact. **Not significant**

3.4.12. Through the implementation of mitigation all impacts are reduced to 'not significant' and there are no ecological/biodiversity grounds on which to base a refusal of permission.

3.4.13. The enhancements specified in the EcIA present a major ecological benefit of the development which needs to be considered within the planning balance.

3.5. Archaeology and Cultural Heritage

3.5.1. According to Planning Policy Wales (para 6.1.10) the 'primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses'. The most important structure that could be affected is Denbigh Castle which enjoys protected status as a Scheduled Monument and Grade 1 Listed Building. The proposed operations will have no impact on the fabric of the building but can reasonably be regarded as being within the setting of the overall feature.

3.6. Noise and Vibration

3.6.1. The noise Chapter has determined the baseline situation through a targeted survey at locations specified in the Scoping Opinion that are, in turn, used for the regular monitoring required by planning condition imposed on the current planning consent. The assessment has also had reference to that sequence of monitoring and the monitoring of blast events, for vibration purposes that is also carried out to ensure compliance with the existing vibration limits imposed by planning condition.

3.6.2. The assessment has then predicted the likely levels of noise based on the types of equipment that are currently used. The initial prediction was that acceptable thresholds for noise would be exceeded at one location (comprising several properties) and the perimeter bund design/height was increased in order to provide a more effective barrier.

3.6.3. Re-running the prediction calculations has demonstrated that the change is effective and that acceptable thresholds are met with a distinct margin. In order to meet the thresholds for blasting vibration the blast design will need to be adjusted on an individual basis encompassing changes in charge weight.

3.6.4. It is anticipated that the imposition of appropriate thresholds under planning condition will take place and it is incumbent on the applicant to adopt operating practices that will ensure compliance. Monitoring of the impacts is recommended in order to demonstrate compliance in the same way as at present and it is anticipated that this aspect will also be the subject of a planning condition.

3.7. Air Quality

3.7.1. The methodology set out in the request for a Scoping Opinion was endorsed by the Planning Authority and carried out accordingly. That Opinion sought specific consideration of the impacts of dust, through the IAQM on two local Sites of Special Scientific Interest which have a plant assembly that would be sensitive to dust deposition.

3.7.2. The method adopts a 'source-pathway-receptor' approach and has been undertaken in accordance with Local Air Quality Management Technical Guidance (LAQM TG(16) (DEFRA) and the Guidance on the Assessment of Mineral Dust Impacts for Planning (IAQM).

3.7.3. The Scoping Opinion identified the two SSSIs as potential receptors and the assessment process identified residential development within 400m which triggers the requirement for a detailed dust assessment. In August 2021 real-time solar powered air quality monitoring stations were installed at two locations to gather data for a period of three months. This empirical data has fed into a revised assessment providing an accurate baseline for the existing site and surrounding area. Data has also been sourced from official sources in relation to wind speed/direction and particle emissions derived from transport usage. The assessment takes account of the good practice measures that are already in place for the existing quarry and which will be transferred to the proposed future operations.

3.7.4. The proposed operations will be closer to residential properties to the south of the application area than existing operations and will be further from residential properties to the northwest. Sensitive receptors, including residential development and ecological features, are identified in Chapter 8 of the ES.

3.7.5. Following consideration of the emissions sources, wind speeds and directions, as well as the location of the receptors the ES recommends the continuation of best practice measures that have been successful in the existing quarry. Following the implementation of these mitigation measures the residual impact is predicted to be 'not significant'.

3.8. Hydrology and Hydrogeology

3.8.1. A Hydrological and Hydrogeological Impact Assessment (HIA) has been carried out and is reproduced in full at Appendix 9 to the ES. It establishes the likely impacts of the proposed development with reference to groundwater, surface water and flood risk. As noted above, the limestone would be worked below the seasonal groundwater level and water ingress would be collected and pumped out of the site in the same system as exists at present, under the control of a discharge licence.

3.8.2. Calculations show that the quantity of water can be accommodated within the parameters of the existing licence . There will be a drawdown effect which may affect one non-designated abstraction but no effects are anticipated on ecological features because they are not groundwater dependent.

3.8.3. During the operations the surface water will be collected and disposed of in the same manner as at present and the existing arrangements are calculated to have sufficient capacity to deal with the arisings which will also infiltrate to groundwater to some extent. Removal of the extension area will cause a slight reduction in the volume of surface water in the catchment of the Henllan Brook but as this is fed by groundwater it is anticipated that there will be an element of recharge to the groundwater via the discharge from the site into the Henllan Ditch.

3.8.4. Increase in flood risk both within the site and externally has been considered, particularly in combination with the potential seasonal ingress of groundwater and the capacity of the balancing system is deemed to be adequate at current discharge thresholds. There is an elevated section of

the access road which will remain at 108m AOD which means that at the greatest impact any flood waters would be contained with a minimum freeboard of 2m.

3.8.5. There is no anticipated impact on water quality either from external influences such as an historic landfill or the quarry operations providing that a 'fluid management protocol' is rigidly followed.

3.8.6. An extensive monitoring programme is recommended to ensure that no extraordinary changes are occurring in the groundwater system. This includes one location where the likelihood of impact is low but that location is outside the control of the applicant and will require landowner permission. There are no hydrology or hydrogeology reasons why development should not proceed.

3.9. Soil Resources

3.9.1. The Agricultural Land Classification survey has identified that the site contains approximately 80% of grade 2 and 3a land which is considered to be the 'Best and Most Versatile' (BMV) land. The protection of BMV land is considered in Planning Policy Wales TAN 6 which requires a sequential approach to be adopted in the use of land according to its' classification unless there is an overriding need for the development. Whilst BMV land will be lost and not directly replaced, other priority habitats will be created through the restoration process.

3.9.2. The soil survey identified two types of soil, one of medium sensitivity (Type 1) and the other of high sensitivity (Type 2). The Type 1 soil comprises approximately 3,000m^3 of topsoil and 3,750m^3 of subsoil. The Type 2 soil comprises 5,000m^3 of topsoil and 6,250$m^3$of subsoil.

3.9.3. The classification is made on the basis of the drainage, climatic conditions and the soil profile. All of this material will be accommodated in the perimeter bund around the extension and none of the soil will be removed off-site. Observance of best practice guidance methods for the handling and storage of the soils means that the impacts on the soil resource will not be significant prior to mitigation measures being implemented. 'General Requirements for Soil Handling' are set out in Section 5 of the Soils chapter and the applicant will adhere to these measures.

3.9.4. The Soil Resources Survey concludes that the impact on BMV will be total loss but that the soil resource will remain and will be available for restoration purposes. The loss of BMV is considered in a policy context below. The magnitude of the impact is calculated with reference to the volume of soil that will be affected and the area within which this soil occurs. In this instance the magnitude is low and, whilst the sensitivity of the soils is high or very high the outcome of the assessment is that the effect will be 'minor' and not significant in EIA terms.

3.10. Mitigation through design

3.10.1. The principal aim of the development is to release the mineral resource. The strongest economic argument is to seek the maximum quantity of

mineral that can be extracted from the specified area. However, the environmental influence of sustainable development means that the design has been altered away from maximum extraction.

3.10.2. The original concept took into account the need for a standoff from residential properties and no development was proposed within 250m of the edge of Denbigh town. The limit of extraction has been located to provide a buffer from the SSSI and the submitted design has increased this distance from 15m to 30m.

3.10.3. Whilst elements of the method of working, such as bench widths and face heights, are controlled by other legislation the depth of extraction has been influenced by the desire to work the extension area 'dry' avoiding contact with groundwater. Similarly, the phasing is determined by the need to blend different areas of the quarry for Quality Control purposes but the general direction of travel and positioning of haul roads has been designed to minimise transport distances and the opportunity for dust to arise.

3.10.4. Following the assessment of the impacts the design has, again, been altered to increase the size of the peripheral bunds and to adopt the mitigation measures recommended through that process. The original design now includes peripheral blocks of woodland planting and commitments to install bat boxes. The larger element of woodland in the northern box cut and the extension of peripheral planting around the southwestern boundary improves the connectivity of all the ecosystems. The proximity of the quarry faces will have the effect of discouraging unofficial human intervention, reducing the amount of disturbance to fauna. The placing of the diverted footpath on the periphery of the new woodland blocks will have the same effect of minimising disturbance.

3.10.5. In relation to the operational aspects of the development, the main design parameters include:

- Designing a time-based working scheme that incorporates phased restoration to minimise the impact of the development upon surrounding landscape character and nearby visual receptors including users of public rights of way and more distant views from higher ground in Denbigh, including views from the Castle;

- Designing a working scheme that concentrates on developing the existing quarry to extract permitted reserves at the northern end of the Site which will be restored with imported inert material and waste material generated from the quarrying, in order to assist the early establishment of new landscape features;

- By producing a scheme of working and utilisation of waste material to ensure that appropriate areas are progressively restored in an efficient way including early establishment of a perimeter low level earth bund around the western extension area and planting with native woodland; and

- Designing a restoration scheme that enhances the fabric of the immediate landscape and integrates the Site physically and visually into

the character of the local landscape by replication of key characteristics.

3.10.6. Additional mitigation, as proposed by the subject matter experts is summarised in the Environmental Statement.

3.11. Monitoring

3.11.1. Paragraph 7 of Schedule 4 requires the ES to indicate the mitigation measures that are proposed through the assessment process and these are contained in the individual Chapters of the main document. That paragraph also requires a description of the monitoring which is proposed to take place over the life of the development to determine the success of the measures.

3.11.2. The monitoring that is specified in the ES is summarised as;

- Outcomes of LEMP implementation
- Ephemeral floodplain grazing levels
- Update ecological surveys where required
- Soil stripping for archaeological purposes
- Hydrometric Monitoring Scheme at specified locations (including abstraction L)

3.11.3. It is anticipated that the requirement to undertake monitoring of water, noise, air quality and vibration will form the subject of planning conditions imposed under a grant of planning consent.

3.12. Conclusions

3.12.1. The ES contains the information that can reasonably be required by Schedule 4 of the Regulations and has been collated and assessed by appropriately qualified and experienced personnel.

3.12.2. The assessments have been carried out in accordance with recognised methods and adjusted to meet the changes recommended in the formal Scoping Opinion issued by the MPA.

3.12.3. There are numerous mitigation measures recommended in the ES which will be adopted by the applicant. These measures reduce the impacts of the proposed development to ‘not significant’ and there are no residual environmental impacts which would prevent the development from taking place.

4. PLANNING POLICY

4.1. Introduction

4.1.1. All planning decisions are required to be taken into accordance with the Development Plan that is in force unless material considerations dictate otherwise. There is no formal list of material considerations and each site is subject to local considerations.

4.1.2. Known and accepted material considerations are emerging Development Plans, with the weight apportioned to their content reliant on the stage they have reached in the adoption process, and the National Development Framework. Planning Policy Wales also identifies a number of themes or circumstances which are regarded as material considerations.

4.2. Local Development Plan 2006 – 2021 (adopted June 2013)

4.2.1. The 2006 Plan is entirely predicated on its' overall **vision** which is;

"That Denbighshire, through sustainable development, will have a vibrant urban coast, with thriving market towns and rural areas. The housing and employment needs of the County will be met, the high quality environment protected and enhanced and a high quality of life maintained for all communities with full recognition that we have a strong Welsh language and culture that should be maintained and protected throughout the County."

4.2.2. Sustainability in planning terms means meeting the needs of current generations without compromising the needs of future generations. The three pillars of sustainability are economic, social and environmental. Promoting sustainable development means the consideration of all these factors.

4.2.3. Minerals are an essential part of the economy and enable the majority of other developments to occur. The track record of operations at the site have demonstrated that modern standards can and will be used in future extraction operations.

4.2.4. The current operation is one which is very unobtrusive and has negligible impact on the area. It is far more sustainable to work new consented reserves immediately adjacent to where there is existing plant and infrastructure/good transport links rather than to seek the disturbance of a greenfield site where multiple 'less optimal' solutions may be required.

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

4.2.6. Many of the regeneration projects identified in the 2006 Plan have benefitted, or will benefit, from the provision of materials from this source. In order to establish a 'competitive' place it is necessary to have more than one supplier ie avoid monopolies. As aggregate sales are restricted, economically, to relatively short distances the early closure of the application site would

create a reduction in competition and a consequential burden on bringing new development forward.

4.2.7. The relevant **objectives** of the 2006 Plan are;

1. The Local Development Plan will aim to meet projected housing needs in terms of a total number, type and size of dwellings, including provision of affordable housing.;

2. The Local Development Plan will ensure the County has economically viable, i.e. deliverable, and well planned strategic employment sites in areas of greatest demand and where they will support sustainable development.;

9. The Local Development Plan will seek to meet its local and regional mineral needs in the most sustainable manner.

4.2.8. In order for housing to be provided and sustainable economic regeneration to take place, raw materials are required. Provision of such raw materials will also be needed if the infrastructure objective is to be delivered. A number of the objectives of the 2006 Plan are, therefore, supported by such provision by means of quarrying operations.

4.2.9. Consideration of the impact of development on the Welsh language is contained in **Policy RD1** which states;

In determining all planning applications, the needs and interests of the Welsh language will be taken into account. Development could be refused if its size, scale or location would cause significant harm to the character and language balance of a community.

To be able to make an informed decision on applications that may have an effect on the future of the Welsh language within communities, applicants will normally be expected to submit a:

i) Community Linguistic Statement to accompany a planning application for smaller developments within villages, hamlets or the open countryside comprising proposals of the following kind: 5 residential units or more, commercial, industrial or leisure/tourism development with a floor area of 1000m^2 or more, development likely to lead to the loss of community facilities or employment opportunities, infrastructure projects with long term community impacts;

ii) More detailed assessment in the form of a "Community and Linguistic Impact Assessment" to accompany a planning application in all settlements where developments are on a larger scale comprising proposals of the following kind: 20 residential units or more, commercial, industrial or

leisure/tourism development with a floor area of 3000m² or more, large scale infrastructure projects with long term community impacts.

Developers will be expected to provide bilingual signage as a minimum means of promoting the Welsh language. In appropriate circumstances, mitigation against any adverse effect will be secured through requiring a financial contribution by Section 106 or other means.

4.2.10. The requirement to consider the Welsh language has been strengthened by the Planning (Wales) Act 2015 and guidance has been issued by the Welsh Government in the form of Technical Advice Note 20: Planning and the Welsh Language (Oct 2017) (TAN20).

4.2.11. The MPA considered the content of these documents at Planning Committee in December 2017 and concluded that the Welsh language remains a strong material consideration in the determination of planning applications but that Impact Assessments are no longer routinely required as defined in part ii of Policy RD5. The current application proposals do not fall within the description of projects within part i of the Policy. TAN20 does suggest that some 'windfall' sites may require further investigation but this site does not match the criteria.

4.2.12. Nevertheless, the applicant is aware that efforts should be made to promote the use of Welsh and, in accordance with the provisions of Policy RD5, are proposing to adopt external signage in dual languages.

4.2.13. Policy RD1 also sets out the requirement for existing landscape features to be incorporated into new developments and suitable landscaping be included. The Landscape and Visual Impact Assessment states;

"8.46 Upon full restoration of the Site, the residual landscape and visual impact upon the identified receptor groups have been assessed to range from Moderate beneficial in terms of landcover elements (native planting) to Minor adverse in terms of close range visual effects from very localised parts of the public right of way network, which in all cases are Not Significant."

4.2.14. **Policy BSC1** outlines the target of 7,500 new dwellings to be built in the Plan period. Whilst an element of this number has already been built the emerging Local Plan identifies that a shortfall remains and differing options are explored to rectify this situation (see 4.3 below). Regardless of the actual number of individual dwellings a significant amount of mineral is also needed to provide the infrastructure and community buildings that support those dwellings.

4.2.15. More up-to-date information than that which supported the policy at adoption is provided in the Housing Land Prospectus 2016 which identifies 60 sites that are development 'opportunities' within the administrative area, some of which are already allocated. This 'living' document demonstrates an ongoing need for building materials throughout the County.

4.2.16. Under **Policy PSE1** the Plan supports the regeneration of the North Wales Coast including the provision of new employment and residential development. Again, mineral resources will be needed to allow these aspirations to continue to be met. Those resources are most sustainably provided from a local source.

4.2.17. Similarly, under **Policy PSE2** the Plan has safeguarded employment areas including the St Asaph Business Park. The website for the Business Park identifies that 35 acres of land (approximately 14 ha) remain available for B2 development. It is not possible to quantify this demand for aggregate but in order for the aspirations of the Local Plan vision to be met the mineral will have to be supplied from a sustainable source. Denbigh Quarry will assist in meeting this supply requirement.

4.2.18. Similar arguments apply to the provision of new retail development identified under Policies **PSE6** and **PSE7** for Prestatyn, Rhyl and Denbigh. This demand will be smaller due to the reuse of some existing buildings and the prevention of 'out-of-town' sites in order to protect existing town centres but some demand will still be created.

4.2.19. **Policy PSE16** states that;

"Sensitive development within buffer zones, as defined on the proposals map, will not be permitted unless it can be demonstrated that working has ceased and will not be resumed.

Extensions to quarries will only be permitted where a suitable buffer can be retained, i.e. where such an extension would not cause other development to become part of a buffer, and where it can be demonstrated that there is no unacceptable impact on the environment or human health."

4.2.20. The extension application site is located within the buffer zone of the existing quarry and the effect of granting permission would be to extend the buffer zone out to the west. The width of this zone is 200m and the designation of a new area would not encroach on any existing sensitive uses but would prevent such development from taking place. As that area would be outside the development limit of the town of Denbigh it is very unlikely that such uses would come forward for consideration.

4.2.21. It is considered that the adjustment/relocation of the buffer area to accommodate the extension complies with the requirements of the Policy due to the distance that is being maintained from existing sensitive (residential) uses coupled with the lack of impacts as described in Chapter 3 above. The extension is not, therefore in conflict with this Policy.

4.2.22. The 2006 Plan considers minerals development under **Policy PSE17** which states at subsection 2;

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

4.2.23. The policy is predicated upon the 'maintenance' of stocks of permitted reserves through planning applications for new sites, in anticipation of those reserves, existing at the time of adoption of the Plan, having been extracted. However, through economic circumstances those permitted reserves remain unworked but with a demonstrable level of demand. This application seeks the 'maintenance' of the reserves that existed at the time of adoption of the Plan. The demand for permitted reserves is a changing quantum that is informed by the apportionment of the Regional Technical Statement (2nd Review) which is considered below.

4.2.24. The sales from the quarry, coupled with the aspirations for development in the Local Plan demonstrate an existing and future need for the products from the quarry. Preventing this longer term supply would reduce competition in the local/regional market which is not in the interests of the economic element of sustainability.

4.2.25. And at subsection 4;

iv) Applications that accord with the above criteria will be permitted provided that all the following criteria are met:

a. An appropriate buffer is included, within which no mineral working or sensitive development will be allowed; and

b. Suitable access and transport routes are identified; and

c. Final reinstatement of public rights of way should be close to their original alignment with intermediate reinstatements where possible; and

d. Noise is kept to an acceptable level; and

e. Measures to reduce the impact of dust, smoke and fumes are implemented; and

f. Suitable blasting controls are implemented; and

g. Impacts on groundwater and water supplies are found to be acceptable; and

h. An appropriate restoration scheme and after use is identified for the site.

4.2.26. As discussed above (para 4.2.20 – 21) the adjusted buffer zone is compliant with the appropriate policy. The access routes for the mineral transportation will remain unchanged from that which has already been shown to be safe, practical and acceptable over many years of extraction.

4.2.27. It is not possible to reinstate footpath 508/6 on its original line due to the quarry not being returned to its original level. The applicant commissioned a study into the usage of the footpath that would be affected. The study has its' limitations in that it was undertaken for a relatively short period of time and at a specific time of year but it does provide a dataset for analysis that reveals some patterns of behaviour. The full report is reproduced at Appendix 6.

4.2.28. One criticism that has been levied before the application has been submitted is that the proposed development will, in some way, prevent the Crest Mawr woodland from being accessed. Whilst the walking distance to arrive at this area would be increased Crest Mawr is not open access land despite paths and tracks passing through the Site of Special Scientific Interest.

4.2.29. The suggested alternative/diverted route is shown on Plan M18.155.D.007 'Restoration Concept' and has the effect of increasing the walked distance from 528m to 1010m if a person travels from the southern end of footpath 6 to the field gate at the southern edge. The diverted route will allow those walkers who wish to return to footpath 508/6 to do so and to continue onto the Denbigh to Henllan walk. The increase in distance does not create a more difficult or steeper path than is already experienced in the approach to the proposed point of diversion.

4.2.30. The proposed changes will not prevent a similar pattern of usage to that which has been demonstrated by the survey. Discussion are ongoing with the landowner regarding the potential for permissive paths to be created to increase connectivity further to the east but as this land is outside the control of the applicant no provision has been made in the application.

4.2.31. The site is allocated under **Policy VOE7** for small scale waste management to serve the local area. In making allocations the Authority has allocated a greater area than is required under the North Wales Regional Waste Plan 1st Review to allow for some of the sites not coming forward. The quarry is described as needing further investigation but the allocations do allow for a geographical spread of sites in accordance with the proximity principle.

Supplementary Planning Guidance (SPG)

4.2.32. The Trees Landscaping SPG was adopted in July 2016 and acknowledges that trees can mitigate landscape impacts, notably in relation to developments in or within the setting of protected landscapes. It notes that development involving the removal of Category A or B trees will not normally be permitted. The British Standard tree survey identifies that one Category A tree and one Category B tree would be removed by the development.

4.2.33. The SPG requires the submission of an Arboricultural Impact Assessment and an Arboricultural Method Statement which are both included in the BS Tree Survey documentation.

4.2.34. The loss of trees is a factor that should be taken into account in determining the planning balance of the development proposals.

4.3. Emerging Minerals Local Plan 2018 – 2033 (Preferred Strategy – May 2019)

4.3.1. The emerging Plan postdates the first review of the Regional Technical Statement which covers the period up to 2036. It is, however, at a relatively early stage, having been consulted upon in 2019 as a draft Preferred Strategy document.

4.3.2. The Local Development Plan's vision is stated as;

"Denbighshire, through sustainable development, will have a vibrant urban coast, with thriving market towns and rural areas. The housing and employment needs of the County will be met and the high quality environment will be protected and enhanced. Life of a high quality will be maintained for all communities; with full recognition that we have a strong Welsh language and culture that should be supported and enhanced throughout the County."

4.3.3. Meeting the housing need, expressed as 3,775 dwellings over the plan period (including contingency) will require the allocation of additional sites which will all require primary materials for construction and infrastructure.

4.3.4. The proposed extension is not allocated in either the existing Local Plan or the emerging Local Plan. However, since the adoption/publication of these documents the second review of the Regional Technical Statement has been published (draft consultation) and the need for the mineral is demonstrated through the requirement in that document for the North-East Wales sub-region to allocate additional resources of 36 million tonnes.

4.3.5. A sub-regional collaboration agreement for the North-East Wales sub Region is now in place between Denbighshire, Wrexham and Flintshire. That document acknowledges that the figures on which the apportionment is based date back to 2016 and two significant operations, including the existing Denbigh quarry have been operating such that the permitted reserves will have reduced.

4.3.6. The Statement of Sub-Regional Collaboration (SSRC) states that;

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

4.3.7. If planning permission is granted for the Hendre Quarry extension the Flintshire shortfall will still be in excess of 3 million tonnes over the Plan period.

4.4. Planning Policy Wales (11th Ed.) and National Development Framework

4.4.1. The latest edition of Planning Policy Wales (PPW) was published in February 2021. It covers all areas of Planning, provides overarching Policy and is a material consideration in the decision-making process. Its' primary objective is to ensure that the planning system contributes to the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. The grant of planning permission would have a positive social effect in terms of retaining employment for a considerable period and also a positive economic effect by increasing the quantity of a saleable item for which there is proven demand. The environmental effects are defined through the Environmental

Statement which concludes that there are no impacts which, following mitigation, are considered to be significant. As described above there will be no cultural change as a consequence of the development proposals.

4.4.2. Edition 11 includes five Key Planning Principles of which the most relevant to the current proposals are;

- Growing Our Economy in a Sustainable Manner;
- Making best Use of Resources
- Maximising environmental protection and limiting environmental impact.

4.4.3. The current proposals support these principles on the basis that the development is a revenue generator that maintains employment and provides the basic building blocks for other industries to perform. Not only does the development provide needed primary resources it removes inert material from landfill up the waste hierarchy to 'recovery'. The limiting of environmental impact is demonstrated through the Environmental Statement and the commitment5 to undertake the recommended mitigation.

4.4.4. The use of the Welsh language, considered above under Policy RD1, is identified as a material consideration. Quarrying of stone is a long-established practice which has taken place across Wales and will have informed the Welsh language in the same way that it has influenced the landscape. The continuation of such a long-established type of operation, which has already exerted that influence, will not cause significant future changes. This reinforces both the content of Policy RD1 discussed above and the suggested solution of providing appropriate dual language signage. This approach will have the desired effect of not discriminating against individual users.

4.4.5. Specific minerals planning policies are expressed in paragraphs 5.14.1 to 5.14.57 of the PPW. The provision of minerals, and meeting the needs of society are considered under Section 5.14 of PPW which recognises that "*Society needs, and will continue to need for the foreseeable future, a wide range of minerals ….Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure*". The role of the MPA is described as well as the balance that has to be struck between impacts and benefits of the development.

4.4.6. Paragraph 5.14.42 explains that "*Mineral workings should not cause unacceptable adverse environmental or amenity impact*".

4.4.7. There are no recorded incidents of unacceptable environmental impact relating to the water environment, biodiversity, air quality or visual factors during the operation of the quarry by the applicant. The existing quarry has operated in a sustainable manner with few complaints from neighbours. The complaints that have arisen are restricted to noise and vibration from blasting operations. Significant improvements in understanding the use of explosives have taken place over the last 30 years which have dramatically reduced the level of impact that is experienced by neighbours.

4.4.8. The use of explosives is a main contributor in terms of the cost of extraction and so the applicant seeks to make the most efficient use of this technique and minimise the amount of explosive charge whilst creating the same effect. That effect is the shattering of the rock to a workable size and its' movement from the rock face. Excessive external vibration and noise is wasted energy.

4.4.9. The levels of noise and vibration that are deemed to be acceptable in mineral extraction operations are set out in Technical Advice Notes which are considered below.

4.4.10. At para 5.14.48 PPW recognises that the presence of an existing quarry is a material consideration due to the potential benefits of sharing existing infrastructure with an extension as is proposed in this application.

4.4.11. Best and most versatile agricultural land sequential test. The test states;

'3.54 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.'

'3.55 When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.'

4.4.12. The proposals will result in the loss of 4ha of BMV land. Minerals can only be dug where they exist and the extension of a quarry, using the existing infrastructure is a more sustainable solution than creating a new site to meet the identified need. The opportunity to expand the quarry in other directions is constrained by the need to avoid SSSIs, Tree Preservation Orders, Ancient Woodland. That need for the development has been established by the provision requirements in the 2nd Regional Technical Statement.

Climate change

4.4.13. The ability for the proposed development to impact on decarbonisation is limited. As a company, the applicant is always seeking efficiencies and, whilst the benefits may be small scale, the proper training of personnel to minimise waste and the efficient operation of plant/equipment to reduce fuel consumption is taken seriously.

4.4.14. The MPA adopted the 'Climate and Ecological Change Strategy (2021 – 2030), published in October 2020 and formally adopted in February 2021. It sets out how the Council aims to reduce its' contribution to climate change.

There is some potential for influencing the supply chain and in 2019 the applicant made a strong commitment to the five pillars of sustainability contained in the GCCA's Sustainability Charter and its associated guidelines: Health and Safety; Climate Change and Energy; Social Responsibility; Environment and Nature; and the Circular Economy. The applicant has until 2023 to ensure that these are fully embedded across all their business lines.

4.4.15. The perimeter planting around the extension area will both compensate, in the longer term, for the lost trees and contribute to carbon capture. Similarly, the tree planting that is proposed in the northern section of the existing quarry is an addition to the previously approved restoration plan which, whilst providing connectivity for ecological assets between treed areas will also assist in carbon capture. The provision of grassland that is not intensively managed can also sequester carbon[1].

4.5. Technical Advice Notes

4.5.1. MTAN 1 requires the preparation of Regional Technical Statements (RTS) for the areas covered by both the North Wales and South Wales Regional Aggregates Working Parties (RAWPs). The most recent is the second Review Consultation draft published in September 2019.

4.5.2. Paragraph 7 of MTAN1 seeks "*to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance*".

4.5.3. On 15th October 2014 the MPA adopted a position statement, based on the 1st review of the Regional Technical Statement and Welsh Government clarification letter, that no additional allocation was required or changes to the adopted Policy wording as a result of the changes expressed in the review. However, that position was tempered by the statement in the Committee Report that "*It is considered possible that an allocation for crushed rock would be required in the next Local Development Plan period although this will depend upon the rate at which rock is extracted and sold from quarries in Denbighshire, the planning position of quarries within Denbighshire and whether collaboration with Conwy is agreed.*"

4.5.4. The calculation method adopted in the 1st review is not challenged by the report behind the position statement. The MTAN1 requirement to have a 10 year landbank of crushed rock aggregate throughout the Plan period is retained in the subsequent reviews of allocations meaning that the emerging Minerals Local Plan should cater for a period up to 2043. The requirement for collaboration between LPAs in order to meet the sub-Regional allocations is considered below. The second review of the RTS ……

4.5.5. Minerals Technical Advice Note 1: Aggregates (2004) (MTAN 1) also sets out (para 78 onwards) the likely impacts from blasting operations, the receptors that are sensitive to these impacts and the thresholds which are

[1] Natural England Research Report NERR094, April 2021, ISBN 978-1-78354-732-6

both below the point at which damage could occur and acceptable In terms of human perception. The current planning permission (01/2009/1424) includes planning conditions that restrict the hours of working of the site and sets the threshold of blasting vibration which may not be exceeded by the permitted operations.

4.5.6. The applicant undertakes blasting, on average, every four to six weeks, maintaining stockpiles that allow for short-term fluctuations in demand. Those blasting events incorporate best practice in terms of size, depth, spacing and stemming of the drilled holes as well as incorporating delays between initiation of the prepared holes. The blasts are monitored, at or close to sensitive receptors, to establish the vibration levels that are generated from that blast event.

4.5.7. The monitoring output shows that the blasts events have complied with the specified levels. None of the future blast events will be closer to sensitive receptors than historic events and so it is predicted that future events can be designed and undertaken in such a way that the same thresholds can be met.

4.5.8. The noise assessment acknowledges that, without mitigation, some of the drilling operations, at the highest elevations and at the closest point to receptors i.e. a short period involving a worst-case scenario, the MTAN1 recommended acceptable noise limits would be exceeded. The recommended mitigation of employing temporary, movable shielding will be adopted by the applicant and, in doing so, will ensure that noise emissions, in all scenarios, will be below the thresholds expressed in para 88 of MTAN1.

Inert Restoration Material Importation

4.5.9. The current restoration scheme requires the importation of a certain amount of inert material and soils to achieve the approved levels. The applicant operates the Maes Mynan quarry which currently accepts inert material under an environmental permit which allows up to 80,000 tonnes to be imported per annum. Inert material will not change physically or chemically over time and consists of items such as brick, concrete, soils and clays. Maes Mynan quarry will be at capacity within the next 24 months and a replacement location will be required imminently. The availability of this material allows for a more imaginative and sympathetic restoration profile that brings part of the site back to original ground levels.

4.5.10. The existence of the Maes Mynan site and the fact that it is accepting inert material to provide quality restoration demonstrates that there is an ongoing need for this type of arrangement and a replacement will be needed from 2021 onwards. This view is reflected in TAN 21 (February 2014) at paragraph 4.13 which states that “Where planning permissions already exist in an area (region) they should be taken into account in determining the level of need”.

4.5.11. Extraction waste will be produced by the proposed development as there are areas of clay within the stone. This mineral waste will vary across the whole site due to the variation in geology. The estimated quantity of indigenous waste has been derived from the geotechnical borehole

information and applied to the restoration profile as approved. This calculation shows a shortfall that would need to be met by the importation of inert material.

4.5.12. TAN 21 provides planning advice in respect of waste operations and waste policies for Wales. It is supported by a 'Waste Planning Practice Guide' which explains the technical background to different types of waste operation. TAN 21 requires the land use planning system, through plans and projects, to drive the management of waste up the waste hierarchy. Within the waste hierarchy the least sustainable option for inert waste is to send it to landfill. In this instance the proposal is for recovery, rather than landfill, which is defined as;

"Waste recovery is when your main aim is replacing a non-waste material you would have used in your operation with a waste material that performs the same function. That waste then serves a useful purpose as you're using fewer natural resources. For example, using crushed concrete and bricks to create a development platform for a building, in place of primary aggregates."[2]

4.5.13. The guidance provides the suggestion that evidence of the following can be considered as 'recovery';

"For example, you operate a quarry and are required by planning conditions to restore it according to an approved plan."

4.5.14. If the importation of inerts and soil-making materials were not allowed, even for the existing site, the approved restoration scheme would not be achievable without the sterilisation (non-working) of the consented mineral reserve and the importation of soils.

4.5.15. At paragraph 3.27 TAN 21 states that waste management sites might be located, if appropriate, within or adjacent to, amongst other sites;

"active or worked out quarries - landfill is commonly used in quarry restoration but there may be opportunities for other types of waste management facilities at some quarried sites. It should be noted that quarry depth and the nature of the local water table will affect the feasibility of using such sites."

4.5.16. Consideration of the effect of placing this material below the water line has been considered in terms of water quality and groundwater flooding in the ES. No significant impact is anticipated but the situation should be monitored as part of the extensive hydrology monitoring scheme.

4.6. Need for the Development

4.6.1. The Scoping Opinion indicates that this application should demonstrate compliance with the RTS and the most recent version is the 2nd review consultation document. The RTS seeks to identify the future need for aggregates in Wales and the Appendices consider the situation relating to

[2] https://www.gov.uk/guidance/waste-recovery-plans-and-permits

the north and south of the country. Appendix A relates to North Wales. The method for predicting future need has been altered and relies on historical sales figures but recognises that there is a correlation between housing completions and aggregate sales. The demand for housing in Wales is higher than the national average and so a 30% uplift is being applied to allow for the anticipated housing completions.

4.6.2. The figure is then adjusted to a more local level in order to meet the need in each LPA area based on the higher of the 10 year and 3 year averages. This exercise accommodates the local differences in historic demand. Denbighshire falls within the 'North-East Wales' sub-region (Flintshire, Denbighshire and Wrexham) which represents a 'market area' that operates without reference to other markets (other than export to England). This process allows for a figure for provision of 25 years of crushed rock to be generated for sub-regions or individual LPAs.

4.6.3. The North-West sub-region is heavily influenced by the presence of the Snowdonia National Park from which there is a strong presumption against mineral extraction unless there are exceptional circumstances. The North East sub-region is similarly affected by the Clwydian Hills AONB which effectively excludes a large tract of land from providing allocations for mineral extraction.

4.6.4. Comparison with the levels of permitted reserve in those areas then allows for the calculation of the amount of reserve that is required to be allocated/ consented. That amount takes account of the provision of recycled and secondary aggregates and the RTS expresses the opinion that this supply has peaked. The RTS takes account of the proximity principle and the existence of an ongoing local demand from this site, for a relatively low-value product, suggests that, as long distance haulage is prohibitively expensive, there is a need for a point of supply in this area. The RTS reflects this concept;

"the demand for supplies from a particular quarry must inevitably be influenced (very strongly) by transport distances, since these constitute a major element of the delivered price. Local sources of supply will therefore always be preferred to those from more distant locations, provided that the material supplied is fit for purpose."

4.6.5. The existing quarry had been mothballed for a number of years prior to the applicants' ownership. This period coincided with the general downturn in the economy and the level of demand that existed previously is being reached again. This return to former levels demonstrates a local need for the product. The RTS examines a number of areas where a balance needs to be struck (paras 4.5 to 4.7 inclusive) e.g. proximity with environmental capacity, extensions versus greenfield sites and maintaining competition.

4.6.6. The RTS calculates two figures for the apportionment of aggregate provision and adjusts them due to qualitative considerations. The stage 2 calculation shows that North Wales is likely to require 7.7 million tonnes per annum (Mtpa) and, of this, the North East sub-region should provide 5.1 Mtpa. For Denbighshire the outcome is adjusted by those qualitative measures to become an annual allocation of 0.86 Mtpa but the existing levels of

permitted reserves exceeds the Local Plan period requirement – for Flintshire the annual allocation figure is 3.6 Mtpa requiring an overall allocation in that LPA area, in addition to the permitted reserves, of approximately 36 million tonnes.

4.6.7. The RTS acknowledges that these are minimum figures and the allocation can be exceeded. One of the challenges facing allocation of resources is that the southern part of the Carboniferous Limestone outcrop in Flintshire and almost all of the outcrop within Wrexham are heavily constrained by their location within the Bryniau Clwyd AONB.

4.6.8. At paragraph A37 the RTS draft states;

"Overall, there is limited justification for changing the existing pattern of supply of crushed rock within the sub-region, other than to encourage an increase in the proportion supplied from Denbighshire. This is in recognition of the surplus of existing permitted reserves within that county, which can be used to offset some of the very large projected shortfall of reserves in neighbouring Flintshire. This has been accomplished through an adjustment of the apportionments given to each LPA as explained in Table 5.2 of the main report. Even with that adjustment, Flintshire is facing the need to make new allocations for Carboniferous Limestone production, totalling at least 35.928 million tonnes"

4.6.9. Appendix A goes into more detail regarding the collaboration of LPAs to meet sub-regional allocations and the potential for substitution of, for example, lower purity rock for that of higher purity (para A58).

4.6.10. The RTS acknowledges that the figures are based on the 2016 permitted reserves and so there will have been a change in the following three years which will have seen a depletion in the calculated figure of this reserve. Each LPA is considered individually and the RTS states for Denbighshire that;

"In view of the surplus of existing permitted crushed rock reserves within Denbighshire, no further allocations for crushed rock are required to be identified within the LDP. In the longer term, however, it may become necessary for Denbighshire to take on a greater share of crushed rock production within the sub-region than is presently the case and, again, there would be merits in collaborative working on this between all three LPAs within the NE Wales sub-region.

Consideration should also be given to whether any of the factors set out in paragraph A58 above give rise to any further requirements for resource allocations within the area."

4.6.11. The current proposal would make a significant contribution towards alleviating the pressure on Flintshire to allocate 36 million tonnes and the RTS notes that "further collaborative working, with both Denbighshire and Wrexham may be needed to provide optimal solutions (p.25, Appendix A).

4.6.12. It is clear that the consenting of this proposed extension to Denbigh Quarry is preferable to a greenfield allocation in Flintshire because there are several sustainable factors present. Firstly, the site would use the existing

infrastructure for processing, secondly, there are existing highway links of good quality and, thirdly, the site is in closer proximity to all consumers from the mid-point between this site and other permitted sites in Flintshire. There is also a defined need, through the collaboration with other LPAs, in meeting the provision identified for the sub-Region of North-East Wales.

5. CONCLUSIONS

5.1. Planning Balance

5.1.1. The quarry has been a feature of the local area for hundreds of years and, in its' current form, for decades. During that period it has provided a source of stone for construction projects and agricultural projects. The site is now part of the landscape and part of the local economy. The current proposal is to maintain production for twenty-five years at current rates of production so that future demand can be met.

5.1.2. Whilst the operation as a whole can be considered to be sustainable development, an extension to an existing quarry is also considered to be preferable to a greenfield development in a sustainability hierarchy because existing infrastructure can be used. Both operations are predicated on there being a 'need' for the development, in this case a demand for the mineral is proven in the recent past by sales and in the future by the predictions of the Regional Technical Statement (2nd Review) aligned with the Statement of Sub-Regional Collaboration.

5.1.3. This Planning Statement and the Waste Planning Assessment clearly demonstrate that there will be;

- a need for an inert waste management facility from 2022 onwards;
- that the approved restoration scheme would require the importation of inert restoration material as a 'recovery' operation;
- the proposed restoration scheme is an improvement over the previously approved scheme; and,
- that the material will be available.

5.1.4. The quarry will extend the period of employment for the existing employees and will contribute to the local economy through the supply chain.

5.1.5. There are no significant environmental impacts following the adoption of mitigation and the restored site would provide ecological enhancement. There is a requirement to undertake water monitoring on a site which is not in the control of the applicant, as a precautionary measure, and this will be undertaken if the permission of the owner is forthcoming.

5.1.6. Other controls are exercised by other legislation and licensing regimes.

5.2. Submission

5.2.1. The overall submission, consisting of three volumes and Appendices, provides all the information necessary to determine the application and establishes that the proposal represents sustainable development and is in compliance with the Development Plan.

Appendix 1 Application Forms, Certificates

Appendix 2 Drawings

Appendix 3 Pre-Application Statutory Consultation Report

Appendix 4 Pre-Application Public Engagement Report

Appendix 5 British Standard Tree Survey

Appendix 6 Footpath User survey

Appendix 7 Archaeological Geophysical Study Report