

Eich cyf / Your ref

Ein cyf / Our ref : 01/2019/0573

Dyddiad / Date : 14 August 2019

Rhif union / Direct dial : 01824 706727

Richard Hunt  
PleydellSmithyan Ltd.  
20A The Wharfage  
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Telford  
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TF8 7NH

Dear Sir / Madam,

**Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017**

**CAIS / 01/2019/0573**  
**APPLICATION:**

**CYNNIG / Request for Scoping Opinion relating to the winning and working of limestone from**  
**PROPOSAL: the western extension of Denbigh Quarry**

**LLEOLIAD / Graig Quarry (also known as Denbigh Quarry), Graig Road, Denbigh**  
**LOCATION:**

**SCOPING OPINION OF DENBIGHSHIRE COUNTY COUNCIL AS LOCAL PLANNING AUTHORITY**

This letter is issued in accordance with the above Regulations, in response to your request for a Scoping Opinion from the Local Planning Authority. The Scoping Opinion is issued on the basis of the information contained in your letter dated 01 July 2019, and the EIA Scoping Report (document ref: M18.155.R.002 dated July 2019).

In adopting this Scoping Opinion the County Council has taken into account the consultation responses received, and considered the specific characteristics of the proposal, the type of development and the environmental features likely to be affected by the development. All "development" proposed in the application should be assessed and referred to within the Environmental Statement when the planning application is submitted. This Scoping Opinion seeks to ensure that any Environmental Statement submitted with respect to a planning application for the development proposals described in the Scoping Request includes information that is reasonably required to assess the environmental effects, and allow a determination to take place. Please note that further information may still be required once the Environmental Statement has been submitted.

Any Environmental Statement submitted must contain at least the information referred to in Schedule 4 of the above Regulations. You are reminded that the Statement must address the baseline conditions, likely significant impacts, the probability of effects and the proposed mitigation measures. The information provided should be that which is necessary to demonstrate the risks, likelihood of occurrence and likelihood of any significant impact. This should include an outline of the main alternatives studied by the applicant.

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We have consulted with the bodies considered to have an interest in the project by reason of their statutory responsibilities or remit. The Local Planning Authority notified both the Local Member and the Town Council regarding the Scoping Request so that they have been made aware of the Scoping Request and the proposed extension at Denbigh Quarry. Responses have been received from the following bodies, and the opinions set out below are also informed by their comments.

- Natural Resources Wales (NRW)
- Clwyd Powys Archaeological Trust (CPAT)
- Cadw
- Welsh Government Agricultural Land Use Policy Team
- Denbighshire County Council Ecological Officer
- Denbighshire County Council Public Protection Officer (Pollution Control)
- Denbighshire County Council Public Rights of Way (PROW)
- Denbighshire County Council Highways Authority
- Denbighshire County Council Tree Officer

## DESCRIPTION OF THE PROPOSAL:

The site subject of the Scoping Opinion is an extension of an existing limestone quarry called Denbigh Quarry (also known as Graig Quarry); an active limestone quarry north of the town of Denbigh. The permitted site comprises approximately 28 hectares of land and the proposed extension area is approximately 5 hectares in extent. The development proposal will comprise 'the winning and working of limestone from the extension area with restoration to amenity/agriculture (pasture)'. Mineral would be removed from a series of working faces through a programme of controlled blasting. It would then be transported to the processing area before undergoing treatment for sale or for supply to the onsite concrete batching works. Removal of mineral from the application site would only take place via the existing access point onto Ffordd y Graig. Output from the quarry extension would not exceed the currently permitted levels of export from the existing quarry amounting to 500,000 tonnes per annum. However, current extraction rates are in the region of 200,000 tonnes per annum and this is not expected to increase as a result of the extension application.

## DESCRIPTION OF THE SITE AND SURROUNDINGS:

To the north, west and south the 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 south east of the proposed extension area. 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/Ffordd y Graig, with the Colomendy Industrial Estate further to the east.

The existing quarry is accessed off Graig Road/Ffordd y Graig via a purpose-built access road that is owned by the operator of the quarry and all access to the extension area would be via the existing site.

The proposed extension area consists of agricultural fields in arable use to the west of the existing working area and to the south of the Crest Mawr woodland. The surrounding area comprises pasture and arable fields.

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## SCOPING OPINION:

The following section sets out the Scoping Opinion of the Local Planning Authority. The Scoping Opinion takes the form of an observations report which makes reference to the relevant chapters in the EIA Scoping Report which the authority wishes to provide comment on. Please note, our Scoping Opinion is based on the information provided, and on the responses received from the relevant consultation bodies set out above. Should a planning application be progressed, you are advised that the Local Planning Authority reserves the right to request further information at the planning application stage, should it be reasonable and necessary to do so in order to fully consider the proposed development.

### 1. Introduction

The Council broadly agrees with the scope as set out in the submitted Scoping Report. The following outlines any matters which require modification, augmentation or clarification as part of any subsequent planning application and Environmental Statement.

### 2. Potential landscape, visual effects and trees

The Scoping Report states that a full Landscape and Visual Impact Assessment (LVIA) will be submitted and follow the methodology in Guidance for Landscape and Visual Impact Assessment Edition 3. Also the baseline data is referenced in the Scoping Report. It is noted that the LVIA would consider views from Denbigh Castle in the Zone of Theoretical Visibility.

It is noted that pre-commencement screen planting would be undertaken along the southern application boundary in the first available planting season following the grant of planning permission. The impact of ash dieback on the existing screening should be fully assessed. It is likely that the existing screening largely comprises of ash and the loss of 90% of this would have an adverse impact on landscape quality, which, in tandem with the extension could result in a greater adverse effect than the extension alone. A survey should be undertaken of the existing trees that would be retained that currently provide screening for the quarry. Replacement screen planting using an alternative species to Ash would provide mitigation for any future loss.

A full tree survey should also be undertaken of those trees proposed to be removed as a result of the development.

### 3. Potential Effects on Ecology & Nature Conservation Interests Biodiversity and Nature Conservation

Operational impacts of the proposed extension on protected sites should be fully assessed in the ES. The ES should clearly set out any effects on protected species and, where adverse effects are identified, the ES should outline what appropriate mitigation would be proposed and how it would be delivered including any compensation schemes if appropriate to ensure the Favourable Conservation Status of the affected species is maintained.

With regard to paragraphs 7.11 – 7.16 of the Scoping Report, NRW and the County Ecologist are in agreement with the scope of the ecological survey and assessments that have been carried out for the purposes of informing the planning decision making process. Any future assessments should be informed by the submitted Scoping Opinion report.

Having reviewed the details set out in the formal request for scoping opinion document, it is considered that the scope of the EIA relating to ecology is appropriate.

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#### **4. Potential effects on archaeology and cultural heritage, built Heritage and built conservation interests and historic landscapes**

Clwyd and Powys Archaeological Trust (CPAT) were consulted directly by the applicant's archaeological consultant on the scope of the cultural heritage assessment prior to the submission of the Scoping Request and they agreed that geophysical survey needs to be included to better understand the sub-surface potential of the extension plot. It is understood that this will be added to the scope of the ES, and the geophysical survey will be completed at the pre-determination stage to inform the application. If the geophysical survey reveals any significant archaeology these will be tested by targeted investigative trenching along with some random trenches between the anomalies. The rest of the cultural heritage assessment scope was approved and in combination with the geophysical survey and investigative trenching. CPAT consider this scope to be fit for purpose in terms of defining the cultural heritage impact of the scheme.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development, and its location within the historic environment. In particular, they have assessed the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant, Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination. Cadw's records show that the following historic assets are potentially affected by the proposal.

##### **Listed Buildings:**

- Over 250 Listed Buildings

##### **Scheduled Ancient Monuments:**

- DE002 Denbigh Town Wall
- DE005 St Hilary's Chapel Tower
- DE019 Llys Gwenllian Mound & Bailey
- DE023 Denbigh Friary
- DE028 Civil War Earthworks
- DE044 Leicester's Church
- DE049 Plas Heaton Round Barrow
- DE050 Coed Plas Round Barrow
- DE051 Plas-Meifod Round Barrow
- DE052 Old Foxhall Round Barrow
- DE053 Old Foxhall Earth Circle
- DE054 New Foxhall House
- DE055 New Foxhall Dovecot
- DE156 Denbigh Castle and Medieval Town
- DE200 Pysgodlan Moated Site
- DE225 Denbigh Medieval Town (North - Eastern Corner)
- DE234 Coed Clattwn Moated Site

##### **Registered Historic Parks and Gardens:**

- PGW (C) 28 Plas Heaton (grade II)
- PGW (C) 32 Foxhall Newydd (grade II)
- PGW (C) 58 Gwaynynog (grade II)
- PGW (C) 66 Denbigh: Pierce Memorial Garden (grade II)

##### **Registered Historic Landscapes:**

- HLW (C) 1 Vale of Clwyd

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The above designated heritage assets are located inside 3km of the proposed development.

Paragraph 7.5 of the Scoping Report identifies that the application area is located inside the Registered Vale of Clwyd Historic Landscape of Outstanding Historic Interest. However, it proposes to assess the impact of the proposed quarry on this historic landscape using methodologies designed to consider Landscape and Visual Impact. This is contrary to the advice given in Section 7.8 of Technical Advice Note 24 which indicates that the appropriate methodology for assessing the impact of development on a registered historic landscape is that outlined in the Welsh Government/ Cadw/ CCW document "A Guide to Good Practice on Using the Register of Landscapes of Historic Interest Wales in the development Process" (2007) known as ASIDHOL. It is therefore recommended that the impact of the proposed quarry extension on the registered historic landscape should be assessed using the ASIDHOL methodology.

Paragraph 7.17 of the Scoping Report states that "designated heritage assets will be identified within a 2km radius"; however, it is recommended that this search area should be extended to 3km. This will ensure that any designated heritage asset whose setting could be effected by the proposed development will be considered in the ES.

Paragraph 7.20 of the Scoping Report indicates that the need for any field based archaeological evaluation to be carried out to inform the EIA will be discussed with CPAT. CPAT's comments on the Scoping Report are noted in relation to the need for geophysical survey and trial trenching as detailed above, and Cadw concur with that advice. However, Cadw also recommend that all archaeological works should be carried out by qualified and competent experts to the Standards and Guidance of the Chartered Institute for Archaeologists.

Paragraph 7.21 of the Scoping Report identifies that the EIA will consider "indirect impacts upon off-site assets through changes to their setting during operation and after restoration", it does not however state how this will be assessed. It is strongly recommended that this is carried out in accordance with the methodology given in the Welsh Government's best practice guidance Setting of Historic Assets in Wales 2017.

Paragraph 7.22 of the Scoping Report indicates that the assessment will be in accordance with published guidance, including Planning Policy Wales (Chapter 6) and 'Conservation Principles for the Sustainable Management of the Historic Environment in Wales' (CADW 2011). It is recommended that the guidance given in Technical Advice Note 24, and also in the Welsh Government/Cadw Best Practice Guides should also be considered.

## **5. Socio-economics and human health**

The closest residential dwellings to the proposed extension are located at the northern end of Bryn Seion approximately 250 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. more than 250m from the edge of these properties. In this regard the potential effects of the extension on the local residents adjacent to the quarry and extension should be considered in relation to noise, vibration and dust which will be expanded in the sections below.

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## 6. Potential effects of Noise and vibration

The potential impact of noise from the site on neighbouring properties should be considered. This should include plant operation, blasting activities and the movement of plant and machinery within the quarry void and proposed extension from associated activities including tipping, reversing beepers and the movement of vehicles within the quarry. The potential impact of vibrations from blasting on neighbouring properties should also be considered. The proposed methodology is considered to be acceptable. It is noted that noise and vibration emitted by vehicles accessing and departing the quarry would be scoped out of the ES. This is considered acceptable as the proposed output is below that of the current permitted output limit, and therefore would not result in an increase in vehicle movements above that which has been deemed acceptable from previous planning consents.

In terms of proposed noise and vibration monitoring locations, consideration should be given to the previously approved monitoring locations approved under consent 01/2009/1424 for consistency.

### Noise Receptor Locations approved under 01/2009/1424

Location	Co-ordinates	
	X	Y
Plas Chambres Farm	304737.07	368137.17
Plas Clough	305209.39	367615.15
Tyddyn Uchaf	304097.14	367291.65
Bryn Nefyd	304099.56	366978.03
Coppi Farm	304514.20	366456.09
101 Bryn Seion	304866.30	366649.24
47 Barkers Well Lane	305259.73	366538.85
Graig Farm	305259.99	366642.45

## 7. Potential effects of dust and the effects on local air quality

The proposed methodology is considered to be acceptable. Dust emissions from the site should be controlled so as not to affect the amenity of the neighbouring properties.

### Dust and the impact on nature conservation interests

There are two Sites of Special Scientific Interest (SSSI) within 400m of the proposed extension; Graig Quarry SSSI and Crest Mawr Woodland SSSI. Both sites are woodland areas, with Crest Mawr Woodland having a moss carpet, particularly *Brachythecium rutabulum* and *Thuidium tamariscinum*, covering boulders and rocky outcrops.

A detailed minerals dust assessment should be undertaken, with specific consideration to these designated and protected sites. This should be included within the ES, in accordance with the methodology as outlined in paragraphs 7.42 and 7.43 of the Scoping Report.

## 8. Hydrology and flood risk; Potential Effects on the Water Environment

The proposal to undertake desk study, fieldwork and to develop a conceptual hydrogeological model for the proposed extension area as detailed in paragraphs 7.55 to 7.56 of the Scoping Report is considered to be appropriate. This should be presented in the form of a Hydrogeological Impact Appraisal and the issues should be considered within the following guidance, which has been adopted by Natural Resources Wales – <https://www.gov.uk/government/publications/hydrogeological-impact-appraisal-for-dewatering-abstractions>.

Details on the management of surface water and ground waters at the site, along with a water management plan is also required. There are no details provided of whether the quarry is currently worked dry and whether the quarry actively or passively dewater; this should be included in the ES.

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Please note that dewatering of volumes greater than 20m<sup>3</sup>/day will now require an abstraction licence from Natural Resources Wales. For more details please see the link below or contact NRW's Water Resources Permitting Team for more advice. <https://naturalresourceswales.gov.uk/permits-and-permissions/water-abstraction-and-impoundment/changes-to-water-abstraction-licensing-exemptions/?lang=en>

Details on pollution prevention should be included within the ES (see: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/> ). The site is located on the Clwyd Limestone Group which has been classified as being a Principal Aquifer which is able to support large potable water supply abstractions and is vulnerable to contamination from polluting activities. A method statement detailing the prevention and mitigation measures should also be submitted. Summary of what is needed in the Environmental Statement:

- a. Hydrogeological Impact Appraisal.
- b. Water Management Plan.
- c. Method statement detailing pollution prevention and mitigation measures.

There is a private water supply obtained from a surface water derived well located north east of the site at grid ref. 305217 / 367595. The proposed quarry extension should not have a detrimental effect on the quality or quantity of water supplied to the private water supply.

The site boundary is completely within zone A Flood Risk Zone as per the Development Advice Maps accompanying TAN15. This is considered to be at little or no risk of fluvial flooding and as such a Flood Consequence Assessment is not required for the development.

#### **9. Potential effects on agricultural land and soil resources**

The proposed extension occupies agricultural land to the west of the existing Denbigh Quarry operations currently used for pasture. Soils would then be stripped and placed in storage with some of that storage forming an attenuation bund along the southern and north western boundaries.

##### ***Agricultural Land Classification (ALC)***

The Land, Nature and Forestry Division of Welsh Government does not hold any detailed ALC field survey information for the proposed site. The Predictive ALC Map for Wales notes the site to be Grade 2 and Subgrade 3a.

A detailed ALC Survey (according to the 'Revised Guidelines and Criteria for Grading the Quality of Agricultural Land' – MAFF 1988) and Physical Characteristics Report will be required for the site to confirm if the land is 'Best and Most Versatile' (BMV) agricultural land, the proportion of grades identified and soil resources available. It is noted in the Request for Scoping Opinion Document (Ref: M18.155.R.002) under paragraph 7.58 that this will be undertaken by the applicants.

The Land, Nature and Forestry Division of Welsh Government would expect to be consulted on the above report and to validate it. Validation is a free of charge service completed by the Land, Nature and Forestry Division of Welsh Government on behalf of the MPA. The surveyor should ensure that the survey report includes the complete auger boring and pit schedule (identifying topsoil and subsoil horizon depths, texture, stoniness, structure, porosity, depth at which gleying comes in and morphology - matrix colour, ped face colour where applicable, mottling), auger boring and pit location plan, and top soil texture analysis results report.

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If it is confirmed that the site contains BMV Agricultural Land. The Land, Nature and Forestry Division of Welsh Government expects that the BMV policy sequential test (as per Planning Policy Wales 10 paragraph 3.54 and 3.55) to be applied in full.

#### 10. Traffic and Transportation

It is considered that the scope of the proposed ES to be appropriate and it is noted that the subject of traffic and transportation of vehicles assessing and egressing the quarry would be scoped out.

#### 11. Potential effects on Public Rights of Way

Footpath 508/6 would be diverted from its current position in a south westerly direction, adjacent to the Crest Mawr SSSI and beyond the wood-line, to meet and connect with footpath 508/5.

Whilst Denbigh is the third most populous settlement in the County, it also has a high proportion of people under 60. It's the 8<sup>th</sup> largest community by area but has only the 11<sup>th</sup> largest network of paths by distance of the 40 County Communities. When considered as a density of km/km<sup>2</sup> it is 18<sup>th</sup> in the County. The Community is short of a sufficient path network to meet the needs of the size of settlement if levels of use were to meet the Government's aspirations for health and well-being through activity.

Path 6 is fed by paths 1, 2 and 3 coming out of a condensed housing area of upper Denbigh, path 6 leads to Crest Wood, a SSSI which has a number of informal woodland paths the local public appear to aim for. In addition the public can use this path and connected path 5 to create a circular walk to Henllan and back, avoiding the principle road which is devoid of a footway for most of its length. For this reason the path features as a component of our Community Miles routes 'The Henllan Walk' which was produced with the assistance of Henllan Community Council.

One concern, looking at the proposal, is that any diversion passing the edge of the site would create a significant detour that would be inconvenient and clearly not shorter or more commodious than the present route. More information of the actual level of use for the route at present would be beneficial, such as the placement of user counters on the kissing gates we have installed measuring current footfall. An assessment of the amount of people from the nearby housing areas in upper Denbigh would be also beneficial to establish who presently use the route and on what basis and what impact any changes may have on their aspiration to walk that way.

The Public Rights of Way department and the Planning Department would then be in a better position to determine what the best mitigation measures can be explored to have in place to hopefully ensure the diverted path continues to service the community meeting our expectations to encourage active enjoyment of the countryside to produce health benefits and see use of it increase during the duration of the extension of the quarry and not decline. This might include how the Henllan Walk could be enhanced to improve its appeal to locals and visitors as part of any benefit the quarry could bring.

Whilst it is considered what is being proposed will have a detriment to the existing footpath network, and a diversion is unlikely to improve on possibly reducing public desire to use the paths, there appears to be sufficient room for a new woodland path within the existing woodland to the east of the quarry along Ffordd y Graig. Furthermore, there are opportunities to provide a continuation of this path around the perimeter of the wood to reach the existing path. An examination of what opportunity the existing woodland either during and/or after the quarrying might give in terms of additional access to extend public access to the area providing a net benefit to users especially those on the north east areas of Denbigh of Vale Street, Barkers Well and Rhyl Road.

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## 12. Need for aggregate

The application should demonstrate compliance with Policy PSE17 of the adopted Denbighshire Local Development Plan, and should contain a section of the need for aggregate using data from the published RTS 1<sup>st</sup> Review and also the RTS 2<sup>nd</sup> Review consultation which should commence prior to the submission of the application.

## 13. Importation of waste for restoration purposes

It is understood that a Section 73 application would also be submitted to extend the life of the existing permitted quarry. This application would also seek to amend the approved restoration to submit a revised consolidated restoration plan to cover the extension area. It is noted in paragraph 5.6 of the Scoping Report that a proposed restoration scheme would also include the importation of up to 100,000 tonnes of inert waste in an area at the northern end of the quarry between 2022 to the end of the life of the quarry.

It is understood that this inert tip would replace the existing tip at Maes Mynan Quarry which will soon reach capacity. The application should provide more details on this element of the proposal. The application should consider all the relevant waste policies and be accompanied by a waste planning assessment as required by TAN21. 100,000 tonnes of imported material over 30+ years is considered to be very small scale compared to the export rates and also the existing permitted export rate. Also, the volume that this equates to is very small scale in terms of the size and scale of the quarry void. It would be useful to provide an analogy of what 100,000 tonnes of material equates to over the life of the quarry, to provide a representation of what this means in quantifiable terms annually, and in comparison to current exportation rates and approved levels. The application would also need to include a Waste Planning Assessment in accordance with TAN21, and 'need' would be required to be demonstrated.

The relevant permit/ authorisations may also be required under the Environmental Permitting Regulations (England and Wales) 2016 for importation of waste materials.

### Other observations

#### **Non-technical Summary:**

In accordance with the above Regulations, the Environmental Statement must be accompanied by a Non-Technical Summary. We would request that an English and Welsh version of the non-technical summary is submitted with the application.

I trust the above information has satisfied the requirements of the Regulations and that the attached Scoping Opinion is of use to you for the preparation of your planning application and supporting Environmental Statement. Should you wish to discuss the methodology, rational and scope of any future Environmental Statement please do not hesitate to contact Senior Minerals and Waste Planning Officer Hannah Parish.

Yours faithfully,



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