



Your Ref: 01/2022/0523

Emlyn Jones
Head of Planning and Public Protection
Denbighshire County Council

By Email: planning@denbighshire.gov.uk

21st July 2022.

Dear Emlyn Jones,

Re: Consultation Response – Consolidating application for the extension of winning and working of limestone, importation of inert waste and restoration to amenity land - Graig Quarry Graig Road, Denbigh (Ref: 01/2022/0523).

I refer to your email of 24th June 2022 consulting the Department on the above planning application. This response is made in accordance with:

- Schedule 5 of the Town and Country Planning Act 1990 (as amended); and,
- Minerals Technical Advice Note (MTAN) 1, Chapter D- March 2010.
- Annex B of Technical Advice Note (TAN) 6 – 2010.
- Planning Policy Wales (PPW), Edition 11 – 2021.

This response will first set out our consideration of the Agricultural Land Classification survey undertaken for the site, followed by our response on the proposed application and wider worked area within the existing permitted boundary.

1. Agricultural Land Classification (ALC) Survey - Technical Review:

An ALC report has been prepared by Askew Land & Soil Limited (Ref: C669_v2 – *Agricultural Land Classification – Denbigh Quarry, Wales* dated 16th January 2020) – a copy is attached for information. To Note, this is an updated report, incorporating validation comments by the Department, to the version that is submitted with this planning application.

The updated report found the survey area to be 1.5ha ALC Grade 2, 2.5ha Subgrade 3a and 1.0ha 'Non-Agricultural' land – a total of 5.0ha surveyed.

The Department has previously undertaken a validation of the updated survey report and can confirm it has been undertaken in accordance with the '*Revised Guidelines and Criteria for Grading the Quality of Agricultural Land*' (MAFF 1988)¹.

2. Agricultural Land Classification (ALC) Survey – Advice:

The ALC Survey Report by R. Askew Land & Soil Limited (Ref: C669_v2 – Agricultural Land Classification – Denbigh Quarry, Wales dated 16th January 2020) can be accepted by your Authority as an accurate reflection of the land quality on the site.

This confirms that the proposed extension application site, if approved, would **involve the loss of 4.0ha of Best and Most Versatile (BMV) agricultural land** (ALC grade 2 and 3a).

3. After Use:

The submitted consolidation plans for the entire quarry site identifies the proposed after-use to be amenity (creation of priority habitat – Calcareous Grassland and new woodland planting) and not agricultural. This is mainly due to the lack of suitable soils on site (see para 2.3.2 of the Planning Statement). The lack of soils would not give certainty that the quality of restored land would be capable of supporting an agricultural after-use.

It is therefore outside the departmental remit to comment on restoration and aftercare proposals submitted for the site, and the department has no advice to offer under Section 5 of the 1990 Act.

The application, if permitted, would represent a permanent loss of 4.0ha of Best and Most Versatile (BMV) agricultural land.

4. Expression of View:

Having considered this proposal in light of the Welsh Government's Planning Policy Wales provision for the protection of BMV agricultural land (paragraphs 3.58 & 3.59) and Schedule 5 of the 1990 Act; and, MTAN1 Aggregates (Chapter D), the Department does not object to this application having consideration to: -

- i. Although the application would involve the permanent loss of 4.00ha of BMV agricultural land, in this case, considerable weight has been given to the protection of BMV agricultural land as per PPW paragraph 3.58 and 3.59.
 - a. Site search sequence and overriding need for the development has been established (as described in paragraphs 4.2.22, 4.3.4, 4.3.6 and 4.4.12 of the Planning Statement)
 - b. **And;** 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 (as described in paragraph 4.4.12 of the Planning Statement and in Figure 4.2: Designations map).

¹ <http://publications.naturalengland.org.uk/file/5526580165083136>

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

The view expressed does not bind any other part of Welsh Government commenting on the proposal. I trust the above expression of view and associated remarks are clear and unambiguous. Please do not hesitate to contact if necessary.

Yours sincerely



Arwel Williams.
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Enc. C669_v2 – Agricultural Land Classification – Denbigh Quarry, Wales dated 16th January 2020