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24/08/2022

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: CONSOLIDATING APPLICATION FOR THE EXTENSION OF WINNING AND WORKING OF LIMESTONE, IMPORTATION OF INERT WASTE AND RESTORATION TO AMENITY LAND**

**LLEOLIAD / LOCATION: GRAIG QUARRY GRAIG ROAD, , DENBIGH**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 24/06/2022.

**We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and hydrology. If this information is not provided, we would object to this planning application. Further details are provided below.**

**We also advise that based on the information submitted to date, a condition regarding Protected Species should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.**

**Protected Sites**

Sites Of Special Scientific Interest (SSSI)

We have concerns that insufficient information has been submitted to demonstrate how likely damage to the following SSSI's will be avoided:

- Crest Mawr Wood
- Graig Quarry

Planning permission should only be granted if information is provided which demonstrates that the proposed development will not unacceptably damage the features by reason of which the SSSI is of special interest.

Paragraph 6.4.14 of *Planning Policy Wales* states that proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

We consider that the proposed development is likely to damage the features by reason of which the sites listed above are of special interest. Insufficient information has been submitted to demonstrate how the proposed development will avoid damaging the special interest features of the SSSI.

The report (Environmental Statement, Vol 2. Pleydell Smithyman Limited, Undated) references a 30m standoff from Crest Mawr SSSI. This zone seems reasonable and would take any works outside the tree rootzone. However, it is not clear from the plans if the 30m standoff includes the perimeter bund. Creation of the bund within the tree rootzone could impact the trees from deepening soils / smothering root zone.

The report has identified a need for good practice site design and dust control measures during operation, tree planting and creation of bunds along the site boundary to provide screening. We concur with this assessment and wish to emphasise that measures should be in place to prevent dust soiling within the SSSI boundaries.

The report has concluded that due to the fact the sites are located upwind (to the prevailing wind direction), there is negligible likelihood of a significant impact, assuming that the mitigation measures are implemented.

It is noted within the Ecological Statement (PlydellSmithyman, February 2022. Ref M18.155.R.007) that the wind data used in the assessment appears to be from a metrological station located over 80 km southeast of the development site (RAF Shawbury). We advise that you seek justification for not using data from a closer station, as it may have a direct impact on the pathway effectiveness analysis, a key component of the dust impact assessment. Until we can be confident that the best available data is used (or appropriate justification for the use of alternative data), we cannot make an informed judgement on the conclusion of the assessment.

Neither of the two SSSI's listed above holds groundwater dependant features, therefore we agree with the conclusion of the report that it is unlikely for the site to be impacted by hydrological pathways.

Additionally, we note that there might be Public Rights of Way (PRoW) complications as a result of the quarry extension. We wish to note that should the PRoW be diverted as part of this planning application, we wish to be re-consulted with the details, in order to assess impact on the SSSI.

## **Hydrology and Hydrogeology**

We appreciate that the developer has considered our concerns raised at pre-application stage (16/12/2021). The updated Environmental Statement has addressed some issues

raise, and overall, we are satisfied with the submitted information. However, we continue to have concerns with regards to the dewatering that will take place in the future development of quarrying operations.

We note that dewatering will not occur until the second phase of working and will be 100% of the time by of Phase 3. We advise that you seek clarification in relation to the likely timeline of the phases, since it is not clear when (in what year) dewatering is likely to start.

Dewatering will require an abstraction licence from Natural Resources Wales as either a transfer or full licence prior to dewatering commencing. Dewatering without a licence is an offence. Gaining planning permission will not guarantee that a Water Resource Licence for dewatering will be issued. At the licence application stage, we will require an updated Hydrogeological Impact Appraisal (HIA) and any monitoring completed at the site should be used to support the HIA. Please be aware that legislation and designations can change during the intervening period prior to dewatering commencing.

### Permit Requirements

In addition to the planning permission, the winning and restoration of mineral workings requires a number of licences and permits from NRW and these should be in place before any new activity starts. The list below is not exhaustive, and legislation may change as the quarry activity progresses over the next 20 plus years.

- Water Resources Abstraction Licence (transfer or full) for dewatering and abstraction from the lagoons for any dust suppression.
- Environmental Permit for discharge of water to water course or ground.
- Environmental Permit for any restoration that requires placement of material.

We advise that you contact our Permitting Team on 0300 065 3000 at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

### **Protected Species**

#### Great Crested Newts (GCN)

We note the submission a GCN Survey Report (Pleydell Smithyman, Ref M18.155.R.009. December 2019). We consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation of the local population of great crested newts provided any subsequent consent is subject to the below planning conditions and obligations

Condition 1: No development or phase of development, including site clearance, shall commence until a site wide or phase specific GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- Build upon the principles outlined in the GCN Survey Report (PleydellSmithyman, December 2019)
- A plan showing habitat to be lost/habitat to be created/areas to be retained which should identify the extent and location on appropriate scale
- Submission of details and associated plans concerning GCN avoidance and mitigation measures including,; fence design, specifications and proposed locations; consideration of access issues across fence lines (including PROW if applicable); fence monitoring and maintenance requirements; and supervised removal of barrier fences. Submission to include proposed timescales and reporting requirements.
- Submission of further details concerning on-site compensatory proposals including plans, extent, access, current and proposed tenure. Details to include areas of terrestrial and aquatic habitat to be retained, enhanced and created.
- Submission of a long term site management(not less than 25 years) that includes defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area (we advise the freehold the freehold transfer to the LPA or body approved by the LPA in consultation with NRW ); persons responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan
- Submission of measures designed to prevent the accidental capture/killing of newts (amphibians) during operational (and decommissioning) phases of the scheme (ie post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features).
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed development
- Ecological Compliance Audit, including key performance indicators (see below).
- Persons responsible for implementing the works
- Post construction monitoring and record dissemination for a period of not less than 25 years. All ponds (and other water features) shall be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7> with individuals/bodies being identified as being responsible for monitoring and

reporting works. Methodology shall include annual abundance counts and Habitat Suitability Index (HSI) assessments. Each water body, including any water feature proposed for surface water management, shall be individually numbered on site

- Submission of a biosecurity risk assessment

The Conservation Plan shall be carried out in accordance with the approved details.

**Justification:** To ensure that an approved GCN Conservation Plan is implemented, which protects GCN affected by the development.

We also advise that any subsequent consent is also subject to the provisions of appropriate planning obligations (Section 106 Agreement/Unilateral Undertaking). Provisions of the agreement to include:

- a) Defined commuted sum for managing ecology post mineral extraction and site restoration
- b) Environmental liaison meetings with relevant interested parties.
- c) Management plan review.
- d) Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW (. We advised tenure accords with the definition of a “responsible body” under [part 7 of the Environment Act 2021)
- e) Timescales for implementing (d).
- f) Management plan review.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the great crested newts on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures .

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We would also advise that the landscape design is amended to include additional pond creation and that this is informed by GCN conservation measures required under the above condition . Post restoration plans should also be included in the above submissions and, in combination with component planning obligation provisions consider and evidence post restoration use of the quarry.

NRW would refer the Local Authority to the Chief Planning Officer’s letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

We would welcome the opportunity to meet with the developer, the local authority's ecologist and any other relevant party at the site to discuss solutions.

### Bats

We also note the submission of a Bat Roost Survey Report (Pleydell Smithyman, Ref M18.155.R.010. December 2019) has noted that no evidence of roosting bats was recorded on site. We concur with the conclusions of the report with regards to proposed avoidance measures and mitigation for bats. It should be noted that the quoted licence number is not a NRW licence number. This contrasts with GCN surveys were carried out under an NRW licence. We would advise that this should be addressed before submitting this application to the Local Planning Authority.

### Hazel Dormouse

A Dormouse Survey Report (Pleydell Smithyman, Ref M18.155.R.014. December 2019) has been submitted to support the application. We concur with the conclusions of the report with regards to possible impact on Hazel Dormice and raise no concerns.

### **Landscape**

Denbigh Quarry lies along the western edge of the Vale of Clwyd, adjacent to the town and some 5km to the west of the boundary of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

Given the distance from the designated landscape, we would not expect the proposed quarry workings to visually harm views from the AONB.

We note that the LVIA (Pleydell Smithyman Ltd January 2021) has assessed one AONB view VP16 from Offa's Dyke path at Penycloddiau. We concur with the assessment set out in the table at section 8.40 – very low to no magnitude of visual change, resulting in a minor adverse effect during the operational phase, becoming neutral by year 15 (the point at which mitigation planting is expected to have matured and fulfil its intended purpose).

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

**Garmon Lewis**

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales