

Town and Country Planning (Referred Applications and
Appeals Procedure) (Wales) Regulations 2017

Town and Country Planning (Development Management
Procedure) (Wales) Order 2012, as amended

Town and Country Planning Act 1990: Section 78 Appeal

Appeal by Breedon Trading Limited

Denbigh Quarry, Graig Road, Denbigh

Against the refusal of planning permission by Denbighshire County
Council for application 01/2022/0523/MA

Consolidating application for the extension of winning and working of
limestone, importation of inert restoration material and restoration
to amenity

Arboriculture Note

August 2025

1 Purpose of this Note

- 1.1.1 This note responds to arboricultural evidence submitted in objection to the proposed development, specifically concerning Ash trees listed on the Woodland Trust Ancient Tree Inventory (ATI) and their long-term value.
- 1.1.2 A review of the arboricultural information submitted by SOGS has been undertaken with the aid of the author of the original tree survey submitted in support of the proposed development (CD1.18). They have provided comment on the findings of the SOGS report, which has been included within this response.

2 Context

- 2.1.1 The original BS 5837:2012 tree survey (CD1.18) was carried out in October 2019 by Pleydell Smithyman Ltd to inform design and mitigation measures. It remains the submitted baseline, having provided detail on the structure, condition and quality of individual trees, and tree groups present within the survey area. Specifically the report provides information concerning the approximate size of root protection areas (RPA) of relevant trees which may be affected by the proposed development.
- 2.1.2 Since that time, two trees within or adjacent to the survey area—Ash trees T11 and T31—have been added to the Ancient Tree Inventory (ATI) (on 27th February and 10th May 2023 respectively).
- 2.1.3 New commentary has been provided within a report, dated July 2025, undertaken by Professional Tree Services and submitted by Save Our Green Spaces Dinbych, which seeks to revise the condition, longevity, and classification of some trees, particularly in light of ATI status.

3 Ancient Tree Inventory Additions

- 3.1.1 The inclusion of T11 and T31 within the ATI is not disputed. However it is noted that ATI entries, particularly those which are based on the submission of volunteers, are often based on subjective visual assessments and are not in themselves, a statutory designation.
- 3.1.2 The original survey undertaken by Pleydell Smithyman acknowledged the value of trees exhibiting veteran or ancient characteristics (ref. Section 7.8 –7.11 of CD1.18), and where trees were considered structurally or physiologically compromised, these

factors were noted in full (e.g. T11's sparse canopy and major dead wood; T31's asymmetric growth).

4 Changes in Tree Condition Since 2019

- 4.1.1 It is acknowledged that some trees, including T11 and T31, have deteriorated since the original survey, including for loss of crown mass. This has only further validated the original assessment, which placed the 'Estimated Remaining Contribution' (ERC) at 10-20 years. Within the original tree survey (CD1.18), T11 was assessed to be in overall 'Fair' condition, this has since been downgraded by the subsequent SOGS report to 'Poor to Fair'.
- 4.1.2 Likewise T31 was assessed to be in 'Fair' condition within the original survey but has subsequently worsened to 'Poor to Fair' within the SOGS submission, and identified largely missing crown. Following the findings of the SOGS report, the original tree survey author suggests that due to its rate of decline between surveys, the life expectancy may be even less than the 10-20 year approximation.
- 4.1.3 Tree health—particularly for Ash trees—has continued to decline nationally due to Ash Dieback (*Hymenoscyphus fraxineus*), which was already considered in 2019 and remains relevant today. The recently noted decline is therefore consistent with national trends and expected disease progression.

5 Professional Judgement

- 5.1.1 Arboricultural assessments always carry an element of professional judgement. The original assessment noted that while several trees offered good habitat value, their physical structure, canopy condition, and life expectancy limited their retention value in planning terms.
- 5.1.2 For example, T11 (Oak, not Ash) was described as being in decline, with a sparse canopy and major dead wood. The new 2025 opinion does not appear to contradict these findings but rather affirms them while placing a greater emphasis on ecological value, which is already recognised in wider mitigation proposals.

6 Legislative and Policy Changes

- 6.1.1 There have been no material changes to BS 5837:2012 or statutory protections for ancient/veteran trees since 2019. However, Planning Policy Wales (Edition 12)

continues to state that ancient woodland should “be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits” (§6.4.43). It goes on to state that “in the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW”. It is noted that NRW do not raise any concerns within their consultation responses to the proposed development at Denbigh Quarry in relation to impacts to these trees.

- 6.1.2 In this case, the affected trees (T11, T31) were not recorded as ancient at the time of survey or submission, and have not been formally designated under any statutory mechanism.

7 Conclusions

- 7.1.1 SOGS’ report offers additional detail and updated opinion but does not invalidate the original assessment. The BS 5837:2012 survey remains a valid and robust appraisal of the site’s arboricultural context.
- 7.1.2 While some trees now appear on the ATI, their structural and physiological decline has accelerated, and their conservation value must be balanced against safety, viability, and the site’s deliverability. The updated assessment has further highlighted the decrease in quality of condition for these trees.
- 7.1.3 Ongoing habitat and biodiversity enhancements are proposed across the site, and further mitigation will be delivered through appropriate landscape and ecological management.
- 7.1.4 It is also noted that the SOGS Tree Survey Report includes for a suggested amended Condition 11 for the protection of trees in the event of allowing the planning appeal, sufficient to provide “certain and enforceable pre-protection to them and to all trees and woodlands on and around the site”.
- 7.1.5 The Appellant does not agree with the wording of the condition but note that the author considers that impacts can be mitigated by condition. The Appellant accepts that tree protection is needed, and can be delivered via condition for those trees not within the working areas (including screen bunds) of the proposal. The wording of the SOGS condition seems to seek protection for all trees regardless of where they are within the proposal.