

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

Health and Amenity

July 2025

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1 Purpose of this Report

- 1.1.1 The case presented, both by Denbighshire County Council and in part by Interested Party 'Save our Green Spaces Dinbych' (SOGS), relies largely on the 'lived experiences' of local residents to defend the remaining Reason for Refusal (RfR) included below:

"It is the opinion of the Local Planning Authority that the proposed lateral extension to the quarry would have a negative impact on the amenity and well-being of local residents. The proposal is therefore considered to be contrary to Local Development Plan Policies PSE 16 'Buffer Zones', PSE 17 'Future Mineral Extraction' and advice contained in Minerals Technical Advice Note 1 'Aggregates', Technical Advice Note 21 'Waste', the Development Management Manual and Planning Policy Wales 11 (Including updated Chapter 6)."

- 1.1.2 The Written Statements of Evidence submitted by the Council produced by Ms Sirianni and Ms Sellars, and that produced by L Jones on behalf of the SOGS, describe the perceived physical impacts of the blasting at Denbigh Quarry, and the mental impacts of blasting and noise from the quarry operations to support the opinion of the proposed development having a negative impact on the amenity and well-being of local residents.
- 1.1.3 The Appellant, both in support of the original planning application and further in support of the Appeal, has produced specialist technical reports on amenity aspects (Air Quality, Noise and Blasting). This report does not seek to further expand on these aspects as they have been appropriately covered in submitted evidence and will be the subject of cross examination at the public inquiry.
- 1.1.4 Rather, this report seeks to address the accepted approach within planning appeals to balancing the perceived level of impact defined by local residents against the technical work conducted by appellants which is tested against national and local guidance, considered by specialist consultees, supported by objectively produced information, and can be controlled by planning conditions and environmental permits.
- 1.1.5 Examples of stances taken by Inspectors in similar cases in other planning appeals are detailed below, setting a precedent for the determination of this planning appeal.

2 Craig yr Hesg (Appeal A: APP/L6940/A/20/3265358 & Appeal B: APP/L6940/A/21/3282880)

2.1 Summary of Appeal Proposal

- 2.1.1 In summary Appeal A sought planning permission for a western extension to the existing quarry and the consolidation of the existing permissions into one overall consent covering the existing quarry and extension area. As such the application included a request for an extension of the current December 2022 end date for quarrying as part of a proposal for the extraction of an additional 10m tonne of sandstone, together with the extraction of the remaining reserves in the existing quarry.
- 2.1.2 Appeal B sought planning permission to continue the operation of Craig yr Hesg Quarry (the Quarry) without complying with planning conditions which required the winning and working of minerals or depositing of mineral waste to cease by 31 December 2022. The application seeks to extend the time limit for such quarrying operations by 6 years to 31 December 2028. Linked to the time limit for quarrying operations, other conditions currently require the submission of a final restoration scheme for the quarry by 31 December 2022, and the implementation of the approved scheme within 2 years of the date of approval or by 31 December 2024, whichever is the sooner. Accordingly, the application also seeks to make consequential changes to these conditions which would require the submission of a restoration scheme by 31 December 2028 and the implementation of the scheme within 2 years of the date of approval or by 31 December 2030, whichever is the sooner.
- 2.1.3 Both Appeals were subject to a sole reason for refusal. In relation to Appeal A, this was due to the LPA not being satisfied that the development was justifiable in encroaching on the 200m buffer zone for sensitive development; and Appeal B was refused due to both the reason listed for Appeal A and the detriment of amenity (noise, dust and air quality) and well-being of residents contrary to the Well-being of Future Generations Act 2015.
- 2.1.4 The Council's case in defending the Appeal relied on the lived experiences of local residents through the objections submitted against the planning applications, and the complaints submitted to the Council in relation to the existing operations at the site.
- 2.1.5 During the determination period of Application Ref: 15/0666/10 (Appeal A), it was agreed between the Council and the Applicant to produce a comprehensive response

to the well being and environmental health issues raised. The Inspector references this as a 'health impacts report'.

2.1.6 The concerns of the local residents who objected to the proposed development, and the technical reports provided by the Appellant, and the health impacts report were considered robustly by the Inspector, detail of which is included in section 2.2 below.

2.1.7 The Inspector allowed both Appeals on 11th October 2022.

2.2 Health Considerations

2.2.1 A 'health impacts report', as referenced by the Inspector, accompanied the Appeal considering the health, amenity and well-being impacts from the proposed applications. This included assessing the social as well as environmental health of residents / local community receptors.

2.2.2 The Inspector, in paragraphs 115 through 120 assessed the case of the Appellant on health impacts, stating:

"The Welsh Index on Multiple Deprivation ("WIMD") is the most useful and commonly applied dataset to explore and improve clarity on the distribution of deprivation in Wales. Glyncoch is in the 10% most deprived areas in Wales. It is also within the 20% most deprived areas with regard to access to services and 40% most deprived for community safety.

By contrast, it is within the 30% least deprived for the physical environment – that looks at environmental quality, including NO₂, PM₁₀ and PM_{2.5} concentrations. This demonstrates a low level of environmental deprivation.

It is necessary to engage with these contrasting aspects of deprivation. In short, the deprivation in Glyncoch is economic, not environmental. It is necessary to address, therefore, the effect of a decision to remove a part of the local economy. When that is addressed, the answer is that poor health is highly sensitive to changes in socioeconomic circumstance and that it is dismissal of the appeals which would worsen deprivation.

Further, we note on air quality:

- *Even in the unreal world of considering the maximum PM₁₀ annual mean process contribution at any receptor, and assuming all PM₁₀ is PM_{2.5}, and considering the highest burden of poor health in the region as a constant for all residents, the changes in emission concentration and exposure at any location remains orders of*

magnitudes lower than is required to quantify any adverse health outcome.

- *It would continue to remain within the AQO thresholds set out by the Protective of the environment and health. That is consistent with the finding of the Planning Officer, Public Health and Protection Division of the Environmental Sciences group and the Cwm Taf Health Board.*

On noise and vibration:

- *The predicted noise levels would be below the suggested daytime noise limits at all receptors*
- *Temporary operations (including the construction of the screen bund) would comply with MTAN 1 and will not exceed 67dB(A) for periods of up to 8 weeks.*
- *There is no significant risk of ground vibration or air overpressure to constitute any discernible health outcome. These are contained to specific operational hours to minimise noise/shock.*

On traffic:

- *Neither of the applications would materially alter current traffic flow rates and, of the accidents recorded in the last five years, none were associated with HGVs.*
- *There would be no material impact on the existing and future operation of the local highway road network."*

2.2.3 The Inspector in considering the information submitted by the Appellant, and the case made by the Council and Interested Parties, with regard to amenity impacts, had due consideration of relevant planning policies; finding that development should be allowed unless there is to be *significant* impacts which could not be limited to an acceptable and provide safe limit. The Inspector, at paragraph 331 of their report, stated that *"To my mind the term 'significant' will, in the absence of any other definition, be a matter of judgement, with reference to any defined standards. In support of this approach PPW at paragraph 5.14.42 states "Any effects on local communities and the environment must be minimised to an acceptable standard"."*

2.2.4 The Inspector went on to state that it was the accepted position that the reports prepared by the appellant met the methodology standards required by the Council and statutory consultees. Where concerns were raised, in respect of dust monitoring,

further information was submitted and not challenged by the Council. The Inspector found that (at paragraph 332) *“The appellant’s responses during the Inquiry provided sufficient reassurance that the assessments are soundly based and that they are conservative. Whilst criticisms are made by local residents, no alternative detailed assessment has been put forward that would cast doubt on the findings of the appellant or indicate that the likely effects would differ from those assessed. The conclusions of the ES and SES can therefore be considered reliable.”*

2.2.5 Having accepted the reliability and accuracy of the information presented by the appellant, the Inspector considered potential impacts to the living conditions of local residents in the following areas:

- The buffer zone;
- Perception of harm;
- Well-being of Future Generations Act (WFGA);
- Air Quality;
- Noise;
- Blast Vibration; and,
- Highway safety.

2.2.6 In assessing each of the above potential impacts, the Inspector considered the requirement of relevant policies and guidance, the case presented by the Council, the case presented by the Appellant and the concerns of Interested Parties.

2.2.7 It was clear from the submitted experiences of residents that their concerns lied with the impacts of Air Quality, Noise and Blasting Vibration, and the associated impact to their mental health. As noted at paragraph 342 of the Inspectors Report, the evidence supplied by the Council was acquired from observations of the local community, which whilst not disputed, did present difficulty in presenting a robust approach to analysis and making *“apple to apple comparisons”*. Finding that the *“information is anecdotal and is not supported by objective, independent evidence such as notarized documentation, photographs, audio-visual recordings.”*

2.2.8 Nonetheless, accepting that the evidence presented by local residents that stress and anxiety is caused by the quarrying is a consideration that falls within the scope of the WFGA. Crucially however, the Inspector noted at paragraph 344 of his report that *“Undoubtably, this is a complex matter where it needs to be established whether there would be / is an actual harm to health and well-being rather than a perceived impact.”*

2.2.9 The Inspector gave due consideration to the principles of the WFGA (detailed at

paragraph 338 of the Inspectors Report), which when summarised seek to deliver development in Wales which is: Prosperous, Resilient, Healthier, More equal, Cohesive communities, Vibrant culture and thriving Welsh language, and Globally responsible.

- 2.2.10 Whilst accepting that the appellant submitted information and the Council submitted information could not be directly compared, they did apply the principles of the WFGA in assessing air quality and noise. In doing so, the Inspector concluded the following in turn for each aspects:

“365... Furthermore, given the mitigation measures in place, which would provide other means of control to justify a reduction in the buffer zone, the proposals would not exacerbate or create poor air quality where the WFGA goal ‘a healthier Wales’ aims to reduce average population exposure to air pollution.”

“381... Moreover, given the mitigation measures in place the proposals would not exacerbate or create a poor quality soundscape where the WFGA goal ‘a healthier Wales’ aims to reduce average population exposure to noise pollution.”

- 2.2.11 With regard to assessing ‘actual’ impact, the Inspector went on to state (at paragraph 347) that, *“It would be reasonable to assume that, given their nature, the highly specialised quarrying and mineral processing operations are strictly regulated by the appropriate body, including NRW [Natural Resources Wales] and RCTCBC [Rhondda Cynon Taf County Borough Council], to the standards that are required.”* Further stating that *“planning decisions should assume that pollution control regimes will operate effectively.”* No substantive evidence was submitted to suggest that NRW or the Council’s development control processes *“have or would not work effectively, and that the proposal would be delivered in line with the planning permission and associated Environmental Permits.”*

- 2.2.12 Consideration is then provided by the Inspector to each of the amenity aspects listed within the bullet points above (air quality, noise, blast vibration and highway safety), to understand actual harm. The overall conclusion drawn by the Inspector with regard to the health & amenity of residents is included at paragraphs 389 to 392 and stated below:

“The overall effects on amenity need also to consider the possibility of a combination of impacts in some places, and for some receptors, that might include adverse effects from the reduction of the buffer zone, noise and dust

pollution. Some impacts might have a cumulative effect over time given the past history of quarrying in the area.

I have no reason to doubt the experiences put forward by local residents and their genuine concerns relating to health and well-being. Nevertheless, this evidence is not corroborated or substantiated by the technical evidence which has been accepted by the Council. It is this technical evidence which provides the basis for assessing a planning proposal as established by planning policy.

Taking all these considerations into account, I find that Appeal A would in particular have a short term minor adverse effect on the living conditions of neighbouring residents due to the land stripping and soil movement activities in proximity of their homes and school. However, once the landscaping bund and planting was in place this would reduce to a negligible effect.

Overall, I consider that the proposals would not cause unacceptable adverse amenity impact and any impact on local communities can be minimised to an acceptable level. I conclude that the proposals would be in accordance with LDP Policies AW10, AW5, and CS10.”

- 2.2.13 In allowing the appeal, it is accepted that the supporting technical assessments produced by the Appellant demonstrated acceptable levels of impacts against national and local policies, and undertaken in accordance with appropriate methodologies. Furthermore, the assessment undertaken by NRW and the Council did not result in objection to the development. Suitable planning controls are put in place via conditions and environmental permits to ensure that the assessment and mitigation can be applied and monitored onsite. The Welsh Ministers agreed with the Inspector’s reasoning and conclusions.

3 Bow Farm, Bow Lane, Ripple (Appeal Ref: APP/T1600/W/23/3324695)

3.1 Summary of Appeal Proposal

- 3.1.1 The proposed development comprised a new vehicular access off A38, plus haul road, weighbridge/office, processing plant and equipment (including concrete batching plant), creation of clean water ponds, silt ponds, stock piles and other works and ancillary development associated with the extraction of sand and gravel and import of inert materials with restoration using site derived material to wetlands, nature conservation and agriculture at land at Bow Farm, Bow Lane, Ripple.
- 3.1.2 Two reasons for refusal accompanied the decision:
- Contrary to Gloucestershire County Council's declaration of climate emergency and the NPPF paragraph 152; and,
 - Significant risk of harm to the local economy as a result of dust and noise generating activities arising within the application site.
- 3.1.3 The Appeal was dealt with by nature of a Hearing, in which the Council did not present any evidence or seek to defend their refusal agreeing all matters within the Statement of Common Ground. There was evidence presented by Interested Parties, in relation to concerns on effects to Hilton Puckrup Hall Hotel and Golf Course (the Hotel), and Church End Nursery represented by a Mr Else.
- 3.1.4 The Inspector considered the information put forward by Mr Else on behalf of the Interested Party, and the evidence submitted by the Appellant, allowing the Appeal on the 19th January 2024.

3.2 Health Considerations

- 3.2.1 In this instance, the considerations of amenity impact and health relate to noise and air quality / dust.

Noise

- 3.2.2 As part of the application documents, a Noise and Vibration Impact Assessment (NVIA) was submitted within the Environmental Statement (ES) and Addendum ES. Worcestershire Regulatory Services advised on matters relating to Noise, for which the Council's Officer Report confirmed that Worcestershire Regulatory Services considered the submitted NVIA to be satisfactory and that all operational noise levels would be in line with relevant guidance (Paragraph 11 of Inspectors Report).

- 3.2.3 As stated in paragraph 13 of the Inspectors Report, *“As part of the NVIA, background noise levels were established through surveys carried out at fixed positions and spot roaming locations around the site. These surveys were carried out in October 2018 and July 2020, with additional locations being added in 2020 including the Hotel car park. At the hearing, the appellant’s noise consultant confirmed that spot checks had been undertaken around the boundary of the Hotel golf course and Far End Cottage which is the dwelling beside Church End Nursery.”*
- 3.2.4 The measured noise levels being:
- Hotel – 43dB LA90;
 - Far End Cottage / Church End Nursery – 44dB to 50dB LA90; and,
 - Golf Course – 50dB to 56dB LA90.
- 3.2.5 However, an Interested Party (Mr Else), considered that the background noise level at these locations to be about 34dB LAeq. This figure was not based on any noise monitoring, instead *“the sort of noise level Mr Else considers typical of a quiet area”* (paragraph 16).
- 3.2.6 The Inspector set out at paragraph 17 that *“Worcestershire Regulatory Services has not raised a concern with the methodology in the NVIA to establish background noise levels, and I have no clear technical evidence that would justify taking a different view. In my view therefore, the background noise levels established in the NVIA form an appropriate baseline against which to consider the noise impacts from the proposed development.”*
- 3.2.7 The NVIA modelled the proposed development to establish predicted noise levels at the sensitive receptors in accordance with the relevant British Standard guidance, and establishing noise levels based on worst-case scenarios. It was found that at each receptor, the proposed development can be undertaken within the noise limits which are proposed in accordance with the Planning Practice Guidance.
- 3.2.8 The Interested Party raised concern that the noise emission values used were lower than those in BS5228, and so the resulting noise would be greater than predicted in the NVIA and therefore exceed the PPG noise limits. It was however confirmed and accepted by the Worcestershire Regulatory services that the noise levels in the NVIA were actual measured levels as opposed to predicted noise levels and therefore more accurate.
- 3.2.9 Overall in relation to noise, the Inspector concluded at paragraph 31 that *“I am satisfied that the appellant’s evidence regarding the noise impacts from the proposed development is comprehensive and robust. It predicts that all the calculated site noise*

levels would comply with the noise limits for normal and temporary operations set out in the PPG, and that there would only be a very limited increase in traffic noise levels. While the evidence presented by the interested parties is well considered and detailed in its content, I am not persuaded that it should lead me to a different conclusion. Consequently, I find that the proposed development, subject to appropriate planning conditions, would not result in unacceptable noise levels for nearby sensitive receptors.”

- 3.2.10 The Inspector concludes that the proposed development therefore does not conflict with the relevant Development Plan Policies.

Dust / Air Quality

- 3.2.11 Dust and Air Quality Assessments and a Dust Management Plan formed part of the ES and ES Addendums of the planning application. The Council’s Officer Report confirmed that Worcestershire Regulatory Services considered the dust and air quality assessments are satisfactory and in line with the relevant policy and guidance, and that the proposed site management measures should minimise dust impacts.
- 3.2.12 Concerns were raised by nearby Church End Nursery with regard to the impact of dust deposition on their raspberry crop; by the hotel with guest experiences and impressions and the local residents.
- 3.2.13 Church End Nursery was considered a high sensitivity receptor within the submitted assessments, with the assessment predicting ‘negligible’ effect at the receptor due to the ineffective pathway effectiveness identified. The Hotel and parts of the golf course are predicted to experience, as a worst case, up to slight adverse effects from the haul road. All other proposed activities are predicted to have a negligible effect.
- 3.2.14 In relation to air quality considerations, the Inspector noted at paragraph 48 of his report that, *“Mr Else contends that there would be around 75,000 tonnes of material with a particle size of less than 10 microns and this material would be high in silica, there is no substantive evidence of what proportion of RCS may be emitted by the proposed development or how likely the processing of the minerals would generate RCS emissions.”*
- 3.2.15 Furthermore, interested parties raised concerns as to employees at Church End Nursery and local residents who would not be using safety equipment and procedures recommended for quarry employees. The Inspector noted that *“there is no guidance that requires such protection for local residents or employees, only for those workers at sites who are in very close proximity to the source.”*

3.2.16 The Council's Prevention, Wellbeing and Communities Hub (CPWCH) raised no objection to the development subject to the implementation of identified mitigation measures. The Inspector (at paragraph 52) acknowledged that *"The use of the dust suppression measures outlined in the appellant's Dust Management Plan would help to reduce the risk of particulate emissions from the site, including any potential RCS emissions, as they would provide mitigation for both larger and smaller particles."*

3.2.17 The Inspector, in dealing with further concerns raised by Mr Else and other interested parties, was content that the submitted assessments demonstrated that the proposed development was in accordance with the relevant national guidance.

3.2.18 The Inspector concluded the following at paragraphs 59 and 60:

"Although not forming part of the Council's reasons for refusal, concerns have been expressed by local residents about the effects of dust on their living conditions. The appellant's assessments identify that a number of residential properties would experience some dust effects from the mineral extraction area. However, I am mindful that Worcestershire County Council has granted permission for the mineral extraction. The only property identified as likely to experience anything more than a slight effect from the plant site and processing area and haul road is Fairfield, which is stated as being within the appellant's control. Due to the separation distances, I am satisfied that the dust impacts on these other residential receptors arising from the plant site and processing area and haul road would not be significant.

As with noise, the submissions made by the interested parties have been wide ranging in their coverage of the issues and have helped to ensure that the appellant's dust and air quality assessments have addressed the relevant matters. However, I am persuaded by the appellant's technical evidence that the proposal would not result in an unacceptable effect on nearby sensitive land uses with regard to dust and air quality, subject to the embedded mitigation measures, the operational measures detailed in the Dust Management Plan and the suggested planning conditions. Moreover, in my judgement, there is no compelling evidence before me that clearly demonstrates that the proposed development would pose a significant risk to public health."

3.2.19 The Inspector therefore concluded that the development would not conflict with the relevant Development Plan Policies.

4 Grandcourt Quarry (Appeal A: APP/X2600/W/21/3289250 & Appeal B: APP/X2600/W/21/3289252)

4.1 Summary of Appeal Proposal

- 4.1.1 Grandcourt Quarry (the existing quarry) is a 158-hectare established industrial silica sand quarry and processing site. A proportion of the quarry has already been worked and restored or partly restored. Other worked out areas have been re-developed for leisure uses or nature conservation.
- 4.1.2 The first proposal (Appeal A) sought planning permission for an extension to the existing quarry to release a further 3 million tonnes of specialist industrial sand to be extracted and processed for use in the UK glass industry. The second proposal (Appeal B) was as a direct consequence of the first proposal and sought to vary the conditions of the original consent for the quarry in relation to timing of the working and restoration proposals to incorporate the extension.
- 4.1.3 Both appeals were submitted as a consequence of the Council failing to make a decision within the statutory period as amended through the agreed extensions of time. The Council confirmed that had it retained jurisdiction to determine the two applications it would have refused planning permission for both.
- 4.1.4 Both Appeals were allowed on the 7th June 2023.

4.2 Health Considerations

- 4.2.1 In respect of this response, the Inspector gave due consideration to the impacts to living conditions concerns raised by interested parties to the developments as set out in paragraphs 48 and 49 of the Inspectors Report:

“Various concerns relating to the effect of the proposals on the living conditions of nearby occupiers were raised, including noise, dust, air quality, contamination, privacy and disturbance. From the submitted evidence, particularly the technical topic-based assessments contained within the Environmental Statement, I am satisfied that these matters where necessary can be satisfactorily mitigated and controlled through the use of suitable planning conditions.

The Council has a range of planning enforcement related mechanisms available should they be necessary to address any future issues. This is also the case in relation to any alleged existing issues, I note concern was raised

by an interested party in relation to dust relating to a particular storm event. Accordingly, the proposals satisfy Policies DM12 and DM15 of the DF, together with DM15 of the DMP.”

- 4.2.2 It was therefore accepted by the Inspector that any living conditions concerns were adequately dealt with by the submitted technical work and could be sufficiently controlled by suitably worded planning conditions.

5 Conclusions

- 5.1.1 In each of the Appeal cases above, the argument put for by either the Council, or Interested Parties involved reliance on ‘lived experiences’ to form a defence to reasons for refusal.
- 5.1.2 Claims are made to the health impact of local residents / business as a result of the amenity impacts of quarry development. In each case it is not disputed that the experiences and concerns put forward by locals are their genuine concerns related to well-being and health; however, evidence was not provided to substantiate the claims made contrary to the technical evidence provided by specialist consultants and in each case accepted / supported by the Council’s own technical consultees.
- 5.1.3 The purpose of this report is not to further expand on the amenity aspects of the development (air quality/ dust, noise and blasting), as these have been covered in detail through the original application submissions and further written statements of evidence supporting this planning appeal; rather to evidence the approach taken by Inspectors in similar cases to balancing the concerns of local residents with the comprehensive technical work which demonstrates acceptable development.
- 5.1.4 Of particular relevance to this appeal at Denbigh Quarry, following it being raised in a number of written statements of evidence, is the application of the Well-being of Future Generations Act’s principles. The Inspector for Craig yr Hesg Quarry Appeals dealt with this aspect in detail where it was found that *“Undoubtably, this is a complex matter where it needs to be established whether there would be/is an actual harm to health and well-being rather than a perceived impact.”*(Paragraph 344).
- 5.1.5 When considering the amenity aspects of the development in turn, the Inspector agreed that the submitted technical evidence, which had been accepted by the specialist consultees of the Council, demonstrated that the development with its mitigation measures would be operated within set limits and therefore compliant with the principles of the WFGA.
- 5.1.6 Based on the Appeal decisions discussed above, it is the Appellant’s case that quarries subject to modern conditions present no health risk. It is submitted for this Appeal, that whilst the lived experience of residents should be sufficiently considered, it should not be overlooked that the extensive assessment work undertaken to the support the proposed development demonstrates a scheme which is acceptable, and can be sufficiently monitored and mitigated through the implementation of sensible planning conditions and through environmental permits.