

Town and Country Planning Act Section 78 Appeal

THE TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78

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THE TOWN AND COUNTRY PLANNING (DETERMINATION OF APPEALS BY APPOINTED PERSONS)
(PRESCRIBED CLASSES) (WALES) REGULATIONS 2015

TOWN AND COUNTRY PLANNING (REFERRED APPLICATIONS AND
APPEALS PROCEDURE) (WALES) REGULATIONS 2017

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (WALES) ORDER 2012, AS AMENDED

STATEMENT OF COMMON GROUND between:

Breedon Trading Ltd and Denbighshire County Council

In relation to appeal by **Breedon Trading Ltd** against **Denbighshire County Council's** refusal, as local planning authority (minerals planning authority) of planning permission for:

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

at **Denbigh Quarry, Plas Chambres Road, LL16 5US**

Planning application ref: 01/2022/0523

PEDW ref: CAS-03423-V9Z8M3

June 2025

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Common abbreviations:

App = the Appellant

LPA = Local Planning Authority

MPA = Mineral Planning Authority

PEDW = Planning and Environment Decisions Wales

SoC = Statement of Case (e.g. AppSoC = Appellant's Statement of Case)

The MPA/the County Council = Denbighshire County Council

1. Introduction

- 1.1. This is a Statement of Common Ground (SoCG) made between the following parties:
 - Breedon Trading Limited (“the Appellant”); and
 - Denbighshire County Council (“the Council”).
- 1.2. This SoCG has been jointly prepared by the Appellant and Council, and sets out the factual background to the Appeal and those matters on which the parties agree. It also sets out the residual matters upon which the parties are not agreed.
- 1.3. The description of the appealed planning application is as follows:
“Consolidating application for the extension of winning and working of limestone, importation of inert restoration material and restoration to amenity” (Planning Application Reference: 01/2022/0523/MA).
- 1.4. The Reasons for Refusal, as per the decision notice issued by Denbighshire County Council on 23rd January 2024, are as follows:
 1. It is the opinion of the Local Planning Authority that the proposed lateral extension to Graig Quarry would have an unacceptably negative impact on protected species and the special characteristics and features of the Crest Mawr and Graig Quarry Sites of Special Scientific Interest. The proposal is therefore considered to be contrary to Local Development Plan Policies VOE1 ‘Key Areas of Importance’, VOE 5 ‘Conservation of Natural Resources’, PSE 16 ‘Mineral Buffer Zones’, PSE 17 ‘Future Mineral Extraction’ and guidance contained within adopted Supplementary Planning Guidance Note ‘Conservation and Enhancement of Biodiversity’, Planning Policy Wales 11 (including updated Chapter 6), Minerals Technical Advice Note 1 ‘Aggregates’, Technical Advice Note 5 Nature Conservation and Planning and Technical Advice Note 21 ‘Waste’.
 2. It is the opinion of the Local Planning Authority that the proposal contains insufficient justification for the development of an extension to the Quarry and the restoration by importation of inert waste material, on an unallocated site in the open countryside. The

proposal is therefore considered to be contrary to Local Development Plan Policy PSE 17 'Future Mineral Extraction', and advice contained in Minerals Technical Advice Note 1 'Aggregates', Technical Advice Note 21 'Waste' and Planning Policy Wales 11 (including updated Chapter 6).

3. 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).

2. The Appeal Proposal

- 2.1. The Appellant seeks full planning permission for "Consolidating application for the extension of winning and working of limestone, importation of inert restoration material and restoration to amenity" (Planning Application Reference: 01/2022/0523/MA).

N.B. The description of the development differs slightly on the decision notice to that set out in the application form. The decision notice states "inert waste" rather than "inert restoration material" and "amenity land" rather than "amenity".

- 2.2. The proposal seeks permission for a consolidating application which would effectively consolidate the current planning permission at Denbigh Quarry and in addition it includes a lateral extension to the west of the working area that would release approximately 4.4 million tonnes of saleable mineral to be worked over a period of 25 years (extraction rates of 200,000 tonnes per annum). The Appeal proposal would also allow the extraction of the remaining limestone reserves within the consented site (which is now minimal [circa 90,000t], due to the amount of time that has passed since the submission of the application).
- 2.3. Mineral released from the Quarry via drilling / blasting would be processed at on site using mobile plant and sorted by size. Processed, saleable product would be loaded onto road-going HGV transport which then proceed to the public highway via the weighbridge adjacent to the Site office.

- 2.4. Sales of limestone from the Quarry would not exceed 500,000 tonnes (as previously secured by planning conditions attached to planning permission ref: 01/2019/0757/PS). The Appellant has agreed to reduce the annual output limit by 20% to 400,000 tonnes per annum.
- 2.5. In terms of the limit of extraction, this has been designed to provide a 30m buffer from the Crest Mawr SSSI.
- 2.6. The Site would be progressively restored over five phases using overburden and onsite soils and also by importing inert restoration material (100,000 tonnes per annum) derived from construction, demolition and excavation operations. This would involve progressive restoration as the extraction progresses into the next phase. The total volume of inert material imported to the Site would be 1.7Mtpa.
- 2.7. Footpath 508/5 would be permanently diverted to allow for the proposed extension area. A new proposed footpath to the north of the existing quarry has been offered by the landowner as part of the Appeal proposal following discussions with the Council's Public Rights of Way officer.

Appeal Documents

- 2.8. The following documents were submitted to the Council in support of the planning application:
 - Planning Statement (PS) (CD1.01);
 - Appendices to the PS;
 - PS Appendix 1 - Application Forms, Certificates Drawings (CD1.02);
 - PS Appendix 2 – Drawings;
 - M18.155.D.001 – Designations (CD1.03);
 - M18.155.D.003 – Location Plan (CD1.04);
 - M18.155.D.004 – Current Situation (CD1.05);
 - M18.155.D.007 – Concept Restoration (CD1.06);
 - M18.155.D.012 – Extraction Limit and Bunds (CD1.07);
 - M18.155.D.024 – Phase 1 (CD1.08);
 - M18.155.D.025 – Phase 2 (CD1.09);
 - M18.155.D.026 – Phase 3 (CD1.10);
 - M18.155.D.027 - Phase 4 (CD1.11);
 - M18.155.D.038 - Phase 5 (CD1.12);
 - M18.155.D.039 – East to West Cross-Sections (CD1.13);
 - M18.155.D.040 – Phase 5 Full Extraction (CD1.14); and
 - M18.155.D.041 – North to South Cross-Sections (CD1.15).
 - PS Appendix 3 - Pre-Application Statutory Consultation Report (CD1.16);
 - PS Appendix 4 - Pre-application Public Engagement Report (CD1.17);
 - PS Appendix 5 - British Standard Tree Survey (CD1.18);
 - PS Appendix 6 - Footpath User survey (CD1.19); and
 - PS Appendix 7 - Archaeological Geophysical Study Report (CD1.20).
 - Waste Planning Assessment (CD1.21);

- Environmental Statement (ES) (CD1.22);
Appendices to the ES;
 - ES Appendix 1 – Drawings (Listed above under Appendix 2 to the PS)
 - ES Appendix 2 – Scoping Opinion (CD1.23);
 - ES Appendix 3 – Heritage Statement (CD1.24);
 - ES Appendix 4 – LVIA (CD1.25);
 - ES Appendix 5 – Preliminary Ecological Appraisal and EclA (CD1.26);
 - ES Appendix 6 – Air Quality supporting information (CD1.27);
 - ES Appendix 7 – Hydrological and Hydrogeological Impact Assessment (CD1.28);
 - ES Appendix 8 – Noise Monitoring Locations (CD1.29);
 - ES Appendix 9 – Vibration Assessment (CD1.30); and
 - ES Appendix 12 – ALC Soil Assessment (CD1.31).
- Non-Technical Summary (CD1.32).

2.9. Regulation 24 Submission Documents

- Addendum to the Noise Assessment (CD3.01); and
- Further Dust Impact Assessment (CD3.02).

Application Timeline

- 2.10. Application ref: 01/2022/0523, now the subject of this appeal, was received as a valid application on 22nd June 2022. On 13th December 2023, Denbighshire County Council resolved to refuse the application. On 23rd January 2024 a decision notice advising of the refusal was issued.

3. Description of Appeal Site and Surroundings

- 3.1. Denbigh Quarry (also known as Graig Denbigh Quarry) is an active limestone quarry, located to the north of the town of Denbigh. The permitted site comprises approximately 28 hectares of land with the proposed extension area amounting to a further 5 hectares. The current use of the application extension area is predominantly privately-owned agricultural land used for grazing/pasture.
- 3.2. To the north, west and south, the contiguous land is rural, predominantly agricultural fields and woodland comprising pasture and a mix of ancient and more recent woodland. Crest Mawr Wood to the northwest of the existing quarry and adjacent to the extension area is a Site of Special Scientific Interest (SSSI) and another SSSI (Graig Quarry) is situated 150 metres to the southeast. The existing quarry is, itself, bound on the east by Fford y Graig/Graig Road, with the Colomendy Industrial Estate situated further to the east.

- 3.3. The Quarry is accessed off Ffordd y Graig/Graig Road via a purpose-built access road. To the south of the Quarry entrance is a concrete batching plant, also operated by the Appellant.
- 3.4. The closest residential dwellings are located to the south of the Quarry over 250 metres away from the existing and proposed quarry boundary.
- 3.5. There is one right of way that transects the extension area and further are a number of public rights of way that surround the Site.

4. Planning History

- 4.1. Although the planning history of the Denbigh Quarry extends back beyond 1999, only the more recent and relevant consents are set out below:
 - Amended restoration scheme for quarry
 - o Granted - 23.10.2000 - Ref: 15/1999/0882
 - Variation of condition 2 previously imposed under planning permission granted under code no 25/6695/1, to allow for the relaxation of working hours for a temporary period from 23/10/00 to 16/12/00
 - o Granted - 22.11.2000 - Ref: 15/2000/0754
 - Variation of condition no. 2 of planning permission code no. 5/11355 to allow a further 10 year period for the completion of mineral operations
 - o Granted (15/3/2010) - Ref: 01/2009/1424
- 4.2. The most recent planning permission, Ref: 01/2019/0757 was granted on 3rd October 2022 (approved at planning committee in January 2020) to allow the remaining reserves to be extracted over a longer period, until 31 August 2028. The permission was subject to a number of detailed conditions.
- 4.3. The Site is subject to a Section 106 legal agreement which was tied to the 1992 planning permission and subsequently has been varied by a deed of variation as condition of granting permission reference 01/2019/0757. The existing legal agreement and deed of variation effectively protects land adjacent to the Quarry from development and also provides for management of Tŷ Crest Wood; a small woodland not included within the Crest Mawr Site of Special Scientific Interest (SSSI). The deed of variation extends the management to include Crest Mawr SSSI and requires a management plan for both Ty Crest Wood and Crest Mawr to be undertaken every five years.

5. Development Plan, National Policy and Other Guidance

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 introduced a requirement that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise; in effect a presumption in favour of granting planning permission for developments which are in accordance with the development plan. This principle has continued through subsequent planning policy iterations and, as discussed below, is at the heart of the most recent version of Planning Policy Wales, Edition 12 (PPW12).
- 5.2. Future Wales – The National Plan 2040 forms part of the national development plan.

Local Policy

- 5.3. It is agreed that the relevant statutory Development Plan for the Appeal comprises:
- Denbighshire Local Development Plan 2006 – 2021 (adopted June 2013).
- 5.4. It is agreed that the following policies are considered relevant to the Appeal:
- Denbighshire Plan Local Development Plan 2006 – 2021 (adopted June 2013):
- Policy BSC1 – Growth Strategy for Denbighshire;
 - Policy PSE2 – Land for employment uses;
 - Policy PSE15 – Safeguarding minerals;
 - Policy PSE16 – Mineral buffer zones;
 - Policy PSE17 – Future mineral extraction;
 - Policy VOE1 – Key areas of importance;
 - Policy VOE5 – Conservation of natural resources; and
 - Policy VOE7 – Locations for waste management; and
 - Policy VOE8 – Waste management outside development boundaries.
- 5.5. The relative weight that can be afforded to each policy is addressed in the Written Evidence submitted by the LPA and the Appellant.

5.6. Supplementary Planning Guidance

- Supplementary Planning Guidance Note: Planning Obligations; and
- Supplementary Planning Guidance Note: Trees & Landscaping.

5.7. Other Material Considerations

- Planning Policy Wales (PPW12) (Edition 12) February 2024;
- Mineral Technical Advice Note 1 (MTAN 1): Aggregates (2004);
- Technical Advice Note 11 Noise (1997);
- Technical Advice Note 21 (TAN 21) Waste (2017);
- Regional Technical Statement Second Review (RTS 2) (2020);
- The North-East Wales Statement of Sub-Regional Collaboration 2021 (SSRC);
- Towards Zero Waste (June 2010); and
- Beyond Recycling (2021).

6. Matters on which parties agree

6.1. As set out in the Council's Statement of Case, Denbighshire County Council are no longer submitting a defence for reasons for refusal 1 & 2. The below section details under subheadings relevant agreed points.

6.2. The following matters are agreed between the parties:

Mineral Need

6.3. Denbighshire County Council endorsed RTS 2 on 26th January 2021.

6.4. RTS 2 sets out that "... it may become necessary for Denbighshire to take on a greater share of crushed rock production within the sub-region than is presently the case and, again, there would be merits in collaborative working on this between all three LPAs within the NE Wales sub-region" and that "further collaborative working, with both Denbighshire and Wrexham may be needed to provide optimal solutions"

6.5. On 7th April 2021, the members of the Denbighshire County Council Strategic Planning Group endorsed the adoption of the North-East Wales SSRC. This was then followed by a delegated decision to adopt the SSRC made by the Lead Member for Planning, Public Protection and Safer Communities on 22nd April 2021.

6.6. The North-East Wales SSRC states that:

"This SSRC confirms that the authorities of the North-East Wales sub-region have agreed that any shortfall of crushed rock would be considered as a sub-regional apportionment shortfall, and this shortfall would be met by either; extensions to existing crushed rock quarries in the

sub-region, or a new crushed rock quarry site also within the sub-region. A new site promoted by a landowner or minerals operator provides far more certainty to delivering the sub-regional apportionment as opposed to a blanket 'area of search' or 'preferred area' approach proposed in an LDP."

- 6.7. The Council and Appellant consider there to be a demonstrable need for this mineral.

Restoration

- 6.8. The proposed restoration for the extension area and existing quarry void includes;
- The importation of up to 100,000 tonnes of inert restoration material per annum;
 - Creation of a Priority Habitat (Calcareous Grassland) along the Quarry floor with a gentle slope to allow for natural drainage;
 - Creation of a large waterbody which reflects the naturally fluctuating groundwater level;
 - Natural regeneration of trees and shrubs assisted by the addition of soil forming materials on quarry benches;
 - Lower cliffs, benches and predicted waters' edge blasted in selected areas to form areas of scree at the base of the Quarry and variation in substrate/ shallows depths; and
 - Retention of a water attenuation feature.
- 6.9. There is insufficient overburden and mineral waste on site to achieve the proposed restoration profile. Therefore, the proposed development includes the importation of inert material.
- 6.10. The Council and Appellant consider the proposed restoration design to be acceptable.

Ecology

- 6.11. A suite of ecological protection and enhancement works were submitted as part of the planning application. Natural Resources Wales (NRW) and the Council's Ecologist had no objections to the proposal put forward subject, to appropriately worded conditions.
- 6.12. In terms of enhanced biodiversity, the Appellant has proposed biodiversity enhancement in the form of phased restoration throughout the life of the development through to final restoration. Habitat created in accordance with a protected species license would be subject to an extended aftercare period of 25 years.
- 6.13. Subject to appropriate conditions and obligations being secured, it is agreed that the proposal is acceptable in ecological terms.

Landscape and Visual Impacts

- 6.14. A Landscape and Visual Impact Assessment (CD1.25 - ES Appendix 4) was submitted as part of the planning application. National Resources Wales and the Council's Landscape advisor concur that there would be a 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).
- 6.15. The Council and Appellant agree that the application is acceptable on landscape and visual impact terms.
- 6.16. As such, save for conditions, this is not a matter in dispute between the Appellant and the Council.

Trees and Woodlands

- 6.17. The extension area is situated to the south of Crest Mawr Wood, designated a Site of Special Scientific Interest (SSSI) and Ancient Woodland. The woodland compartment nearest to the proposed quarry extension area is classed as Restored Ancient Woodland. It is agreed that the proposed quarry extension area would not impact directly on any of these designated woodlands.
- 6.18. The Council and Appellant consider the application to be acceptable with regards to trees and woodlands.
- 6.19. Save for conditions, the parties agree that this is not a matter in dispute between the Appellant and the Council.

Soils and Agricultural Land

- 6.20. The Council and Appellant consider the application to be acceptable with regards to soils and agricultural land.
- 6.21. Save for conditions, the parties agree that this is not a matter in dispute between the Appellant and the Council.

Archaeology and Cultural Heritage

- 6.22. Save for conditions, the parties agree that this is not a matter in dispute between the Appellant and the Council.

Public Rights of Way

- 6.23. It would not be possible to reinstate footpath 508/6 on its original line due to the proposed quarry restoration in this location not being restored to its original level. The Appellant proposes to divert the public right of way to a route which would have the effect of doubling the length of the right of way. The proposed diversion route would not create a more arduous or steep route. The proposed route would not be inferior to the existing path in relation to surface and views. Furthermore, the outlook from the proposed route offers additional viewpoints towards Denbigh Castle which are not visible from the existing line of the definitive public right of way route. The proposed diversion would continue to provide a link to Crest Mawr Wood SSSI and the proposal would not result in preventing the public from accessing the woodland.
- 6.24. The proposed route could also provide a potential opportunity to be improved/ upgraded in terms of improved access on the popular path that leads to Crest Mawr Wood. Subject to the planning permission being granted for the Western Extension, the Appellant has agreed to provide a permeable, all-weather surface to delineate the public right of way to the south and west of the Quarry with maintenance being carried out for the period of time up to the end of the aftercare period. The Appellant would also be seeking to provide two benches along the route that would be gifted to Denbigh Town Council. This would make the public footpath more attractive to a wider range of path users and improve access to the countryside to the less able and users with restricted mobility. These footpath improvements offered on the wider footpath network surrounding the Quarry would offer opportunities for those less able to walk to enjoy the countryside, improve their health and well-being and this would contribute to the goals set out in the Well-Being and Future Generations (Wales) Act 2015. This is considered to be offering planning gain as a result of the proposed extension. Should planning permission be granted, a condition would be included to require a scheme of footpath improvements to be approved in writing.
- 6.25. In addition to the footpath improvements outlined above, the landowner has agreed to provide a permissive route to the north of the Quarry, outside of the application boundary, to increase footpath connectivity to the east of the application site and to link with Public Path 11, and across to the A525 linking to Crest Mawr Wood. This would create a circular route around the Quarry and Colomendy avoiding the road passing the Quarry entrance. As this is land outside of the application boundary, and outside the control of the Appellant, the delivery of this permissive route will be achieved outside of the planning process.
- 6.26. Save for conditions and any necessary obligations, the parties agree that this is not a matter in dispute between the Appellant and the Council.

Highways, traffic and transportation

- 6.27. Save for conditions, the parties agree that this is not a matter in dispute between the Appellant and the Council.

Water Environment

- 6.28. Save for conditions, the parties agree that this is not a matter in dispute between the Appellant and the Council.

Reason for Refusal 3 (Amenity and Well-being)

- 6.29. Aspects relating to reasons for refusal 3 (negative impact on the amenity and well-being of local residents) will be set out in this subsection.
- 6.30. Local and National Policy requires that proposals for mineral extraction do not result in unacceptable impacts upon the amenity of residents. If there is an unacceptable impact, then such a proposal would be contrary to policies in the Local Development Plan and contrary to the Technical Advice Notes.

Blasting

- 6.31. The Council does not intend to critique the methodology and evidence used to produce the Appellant's Environmental Statement relating to Noise and Vibration section, particularly in relation to blasting. The Council's case relates to the perception and experience of the blasting by residents.

Noise

- 6.32. Impacts relating to noise from HGV movements are considered not to result in unacceptable impacts upon amenity.

Dust / Air Quality

- 6.33. In light of the agreed conditions set out in Appendix 1, the parties agree that this is not a matter in dispute between the Appellant and the Council and there are no unacceptable amenity impacts from dust/air quality.

7. Matters on which parties disagree

- 7.1. This section sets out the matters on which the parties disagree. This should be read in conjunction with any further specialist Statements of Common Ground.
- 7.2. The parties disagree as to whether the proposed lateral extension to the Quarry would have a negative impact on the amenity and well-being of local residents, which would 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 12 (Including updated Chapter 6).

N.B. It is agreed that this does not include for Dust/Air Quality impacts on amenity.

- 7.3. The parties disagree as to whether said negative impact and policy conflict (if it exists) would justify the refusal of planning permission.

8. Planning Conditions

- 8.1. The Parties agree that, should planning permission ultimately be granted for the Proposed Development, planning conditions are to be imposed in order to mitigate against potential impacts.
- 8.2. The wording of the conditions included in the officer report to the Council's Development Management Committee be reviewed between the Council and the Appellant. These conditions are reproduced at appendix 1.
- 8.3. It is envisaged that planning conditions to be imposed (should the appeal be upheld) will be agreed between the Council and the Appellant at the obligations session. The Council proposes the introduction of two new conditions, 51 and 52, that are provided in italics at appendix 1. At this stage the Appellant is not in agreement with these additional conditions.

Appendix 1

DRAFT Schedule of Conditions and DRAFT Terms of S106

Section 106 Legal Agreement

The parties agree that the extant section 106 legal agreement for the Site should be varied so as to ensure obligations relating to Tŷ Crest Wood and Crest Mawr Site of Special Scientific Interest (SSSI) are carried over. All parties have agreed the wording of the deed of variation. As such, this will be provided for the Inspector's consideration prior to the Public Inquiry.

CONDITIONS

Time Limit for Commencement

- 1) The development to which this permission relates shall be begun no later than five years from the date of this permission. Written notification of the date of commencement of any works on the Site deemed to begin the development shall be sent to the Mineral Planning Authority within five working days of such commencement.

Approved Plans

- 2) This permission relates to the extraction and processing of limestone and associated restoration, landscaping and aftercare works within the area as shown edged in red on the approved Location Plan reference Drawing No. M18.155.D.003 and hereinafter referred to as the 'Site'.

Approved Plans

- 3) The development hereby permitted shall be carried out strictly in accordance with the details shown on the following submitted plans and particulars unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Location Plan (Drawing No. M18.155.D.003) - Received 7 June 2022
 - (ii) Current Situation v2 (Drawing No. M18.155.D.004) - Received 7 June 2022
 - (iii) Concept Restoration (Drawing No. M18.155.D.007) - Received 7 June 2022
 - (iv) Heritage Designations and ZTV v2 (Drawing No. M18.155.D.009) - Received 7 June 2022
 - (v) Phase 1 (Drawing No. M18.155.D.024) - Received 7 June 2022
 - (vi) Phase 2 (Drawing No. M18.155.D.025) - Received 7 June 2022
 - (vii) Phase 3 (Drawing No. M18.155.D.026) - Received 7 June 2022

- (viii) Phase 4 (Drawing No. M18.155.D.027) - Received 7 June 2022
- (ix) Phase 5 (Drawing No. M18.155.D.028) - Received 7 June 2022
- (x) Section A-A (Drawing No. M18.155.D.039) - Received 7 June 2022
- (xi) Section B-B (Drawing No. M18.155.D.041) - Received 7 June 2022
- (xii) Planning Statement & Appendices (Volume 1) - Received 20 June 2022
- (xiii) Pre-Application Consultation Report (Dated Dec 2021) - Received 7 June 2022
- (xiv) Pre-Application Public Engagement Report (Dated Nov 2021) - Received 7 June 2022
- (xv) BS 5837:2012 Tree Survey Report & Appendices (Dated 17/12/19) - Received 7 June 2022
- (xvi) Denbigh Quarry Stile - Footfall Report - Received 7 June 2022
- (xvii) Geophysical Survey Report (Total Magnetic Intensity - Archaeology) (Date 01/10/19) - Received 7 June 2022
- (xviii) Environmental Statement & Appendices (Dated Feb 2022) - Received 20 June 2022
- (xix) Scoping Opinion (Dated 14/08/19) - Received 7 June 2022
- (xx) Heritage Statement & Appendices (Dated Oct 2021) - Received 7 June 2022
- (xxi) Landscape and Visual Impact Assessment & Appendices (Dated Jan 2021) - Received 7 June 2022
- (xxii) Ecological Impact Assessment & Appendices (Dated Sept 2021) - Received 7 June 2022
- (xxiii) Great Crested Newt Survey Report (Dated Dec 2019) - Received 7 June 2022
- (xxiv) Bat Roost Survey Report (Dated Dec 2019) - Received 7 June 2022
- (xxv) Bat Activity Survey Report (Dated Dec 2019) - Received 7 June 2022
- (xxvi) Badger Survey Report (Dated Dec 2019) - Received 7 June 2022
- (xxvii) Dormouse Survey Report (Dated Dec 2019) - Received 7 June 2022
- (xxviii) Breeding Bird Survey (Dated Nov 2019) - Received 7 June 2022
- (xxix) Preliminary Ecological Appraisal Revision B & Appendices (Dated Sept 2021) - Received 7 June 2022
- (xxx) Dust Risk Assessment - Received 7 June 2022
- (xxxi) Hydrological & Hydrogeological Impact Assessment & Appendices (Dated 04/02/22) - Received 7 June 2022

- (xxxii) Hydrological & Hydrogeological Impact Assessment - Figures (Dated 02/02/22) - Received 7 June 2022
- (xxxiii) Noise and Vibration Assessment & Appendices - Received 7 June 2022
- (xxxiv) Air Quality & Dust Assessment - Received 7 June 2022
- (xxxv) Agricultural Land Classification (Dated 16/01/20) - Received 7 June 2022
- (xxxvi) Waste Planning Assessment - Received 7 June 2022
- (xxxvii) Dust Impact Assessment (Ref: 425.064845.00001 Rev 1.1, SLR Consulting Ltd dated 14/07/23) - Received 19 July 2023
- (xxxviii) Noise Assessment (Ref: 403.064944.0001 Rev 02 SLR Consulting Ltd dated 02/08/2023) – received 15/08/2023
- (xxxix) Phase 5 Full Extraction (Ref: M18.155.D.040) received 21/06/2022

Approved Plans

- 4) Throughout the operational life of the Site a copy of this permission, including all documents hereby permitted, or subsequently approved, and forming part of the permission, shall always be available at the Site office for inspection during normal working hours as set out in condition No. 28 of this permission.

Duration of the life of the development

- 5) The winning and working of limestone shall not extend beyond the area as shown on approved plan Ref: M18.155.D.040 and shall cease at the Site within 25 years from the date of the commencement of development hereby granted by this permission. The dates of final cessation of mineral extraction shall be notified in writing to the Mineral Planning Authority within 14 days of the said date.

Duration of the life of the development

- 6) The Site shall be restored to the satisfaction of the Mineral Planning Authority within two years of the permanent cessation of winning and working of minerals, or within 27 years of the date of the commencement of development of this permission, whichever the sooner. Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in the connection with the development hereby permitted shall be removed from the Site and, upon their removal, the land shall be restored in accordance with the restoration scheme approved under condition No. 45 of this permission.

The dates the completion of final restoration of the Site shall be notified in writing to the Mineral Planning Authority within 14 days of the said date.

Development Phases

- 7) Notification shall be provided to the Mineral Planning Authority of the date of the material start of each phase of development in writing at least 5 working days prior to each phase. The Phases of development shall comprise:
- i. Phase 1 (Drawing No. M18.155.D.024)
 - ii. Phase 2 (Drawing No. M18.155.D.025)
 - iii. Phase 3 (Drawing No. M18.155.D.026)
 - iv. Phase 4 (Drawing No. M18.155.D.027)
 - v. Phase 5 (Drawing No. M18.155.D.028)

Development Phases

- 8) The maximum annual sales of limestone from the Quarry shall not exceed four hundred thousand (400,000) tonnes and the Mineral Planning Authority shall be supplied with sales figures on an annual basis to verify the sales on request.

Development Phases

- 9) The maximum annual importation of inert restoration material shall not exceed one hundred thousand (100,000) tonnes and the Mineral Planning Authority shall be supplied with transfer notes on an annual basis on request. Inert waste restoration materials shall be placed directly to areas which are being restored to approved restoration levels and there shall be no processing of inert restoration materials on site.

Development Phases

- 10) Within three months of the date of this consent, a scheme shall be submitted to the Mineral Planning Authority for written approval which shall cover the following matters:
- i. The phased implementation of this planning permission including the anticipated dates for the commencement of each phase; and
 - ii. Carrying out, completion, restoration, landscaping and aftercare of each phase of the development.

Development Phases

- 11) All existing perimeter hedges, trees, undisturbed ground vegetation and fences shall be maintained and protected and hedges and boundary fences shall be made stock-proof and shall be maintained throughout the life of the permitted quarry operations until the restoration of the Site is completed to the satisfaction of the Mineral Planning Authority. Site operations shall not disturb or destroy any retained hedges and trees including boundary hedges and trees, other than those identified for removal on the approved plans, and fences shall be erected and maintained to protect the same. Retained hedgerows within or bounding the Site shall be carefully maintained, cut and trimmed when appropriate, at the proper season, throughout the period of working and restoration of the Site.

Development Phases

- 12) Topsoil, subsoil and soil making material shall only be stripped when they are in a suitably dry and friable soil moisture condition, and no movement of soils shall occur:
- a. During the months October to April (inclusive), unless otherwise agreed in writing with the Mineral Planning Authority; or
 - b. When the upper 1200mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 - 'British Standard Methods Test for Soils for Civil Engineering Purposes'; or
 - c. When there are pools of water on the soil surface..

Development Phases

- 13) All stripped topsoil and subsoil shall be retained on the Site, and none shall be sold or removed from the Site.

Development Phases

- 14) All topsoil, subsoil and overburden bunds shall be graded and seeded to grass and/or a suitable leguminous species to the satisfaction of the Mineral Planning Authority. Unless otherwise previously agreed in writing with the Mineral Planning Authority the bunds shall be immediately seeded following their completion and re-seeded on bare patches until a satisfactory growth is achieved.

Development Phases

- 15) All areas of the Site left undisturbed, and all topsoil, subsoil, soil making materials and overburden bunds, shall be managed and kept free from noxious weeds and measures shall be taken to destroy weeds at an early stage of growth to prevent seeding.

Development Phases

- 16) Measures shall be taken to ensure that the operations carried out within the Site do not give rise to the pollution or silting of any watercourse or other land, and do not cause any flooding and to ensure that the natural or artificial drainage of any adjoining land is not adversely affected by any operations carried out within the Site. There shall be no discharge of surface water from the Site onto any adjoining public right of way.

Development Phases

- 17) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground level and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards within the bund. There shall be no discharge of oils, fuels, chemicals, contaminated surface water or plant effluent onto any land, watercourse or underground strata.

Development Phases

- 18) Access to and from the Site for all quarry traffic shall only be gained via the existing access from Ffordd y Graig/Graig Road.

Development Phases

- 19) No heavy goods vehicle exiting the Site shall enter the public highway in a condition which is liable to cause deposits of mud, debris limestone dust or product or other or deleterious materials on the public highway. Measures shall be employed at all times to ensure that the public highway is kept clean and free from dust, limestone products, mud and other deleterious material originating from the Site. All heavy goods vehicles shall be cleaned of mud and debris by use of wheel/chassis cleaning facilities on Site. The wheel cleaning facilities shall be maintained in a good working order and adequately maintained in a good working order throughout the life of the development hereby approved. Methods of removal of debris, mud and dust, and ensuring that none is deposited on the highway, shall be reviewed annually. Should current cleaning methods prove ineffective, additional measures shall be approved by the mineral planning authority and implemented as required.

Development Phases

- 20) Measures shall be taken to ensure that, as far as is practical, the surfaces of the Quarry access roads are kept free from mud and other detritus and that they are maintained at all times in a good condition to the satisfaction of the Mineral Planning Authority. The surfacing of the existing access road as referred to in Condition No.18 above shall be maintained in a good state of repair and shall be swept regularly and a water bowser used to ensure the access road is kept clean and free of dust, limestone products, mud and other deleterious material at all times until the completion of the Site's restoration and aftercare.

Development Phases

- 21) All road vehicles leaving the Site carrying limestone below 150 mm diameter shall be trimmed and sheeted. The vehicles shall be sheeted or otherwise totally enclosed as soon as possible after loading and before leaving the Site.

Development Phases

- 22) Except as permitted by this permission, and notwithstanding the provisions of Part 19 of the Town and Country General Development Order 1995, no buildings, fixed plant, structures, machinery or lagoon areas (except mobile plant and machinery) shall be

erected or replaced on any part of the Site, without the prior written approval of the Mineral Planning Authority.

Noise management, mitigation and monitoring

23) The best practice mitigation measures to minimise noise arising from the operations at the Site shall be employed at all times to minimise the emissions of noise arising from the development hereby approved, as detailed within approved Noise Assessment (Ref: 403.064944.0001 Rev 02 SLR Consulting Ltd dated 02/08/2023). Within three months of the date of this permission, a 'Noise Management and Monitoring Action Plan' shall be submitted to the Mineral Planning Authority for written approval. Once approved, measures within the Noise Management and Monitoring Action Plan shall be employed and maintained at all times to minimise the emissions of noise arising from the development including all operations, vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations throughout the period of mineral extraction, ancillary operations and restoration.

The approved 'Noise Management and Monitoring Action Plan' shall provide details for and address the need for and, where necessary, include:

- a. All vehicles, plant and machinery operated within the Site shall be maintained in accordance with the manufacturer's specifications at all times;
- b. All vehicles, plant and machinery shall be fitted with effective silencers in accordance with the manufacturers' recommendations;
- c. All vehicles, plant and machinery in the operator's control shall use noise attenuating equipment such as broad band reversing warning devices, or 'white noise' reversing alarms and operated in a way to minimise noise emissions;
- d. With the exception of the purpose of maintenance, no machinery shall be operated with the covers open or removed;
- e. All vehicles, plant and machinery not in use on site shall be turned off;
- f. The Quarry access road referred to in Condition No. 18 above will be maintained and free of potholes and undulations;
- g. All mobile plant and vehicles shall be submitted to an on-site speed limit;
- h. Drop heights at loading or transfer points will be minimised; and

- i. Provision for noise monitoring and review of the scheme and, where necessary, additional noise mitigation measures shall be agreed and implemented if noise emissions are causing a justifiable complaint if noise limits as set within Condition No. 24 and No. 25 are being breached.

Noise management, mitigation and monitoring

- 24) Notwithstanding the provisions of Condition No. 23 above, rated noise, levels attributable to mineral operations at the Site at nearest noise sensitive properties used as a dwelling shall not exceed 10dB LAeq (1 hour) above background noise levels subject to a maximum of 55 dB.

Noise management, mitigation and monitoring

- 25) During temporary and short-term operations such as soil stripping and bund formation, noise from operations shall not exceed 67dB(A) (1 hour, free field) when measured at any noise sensitive property. Such temporary operations shall be limited to a total of 8 weeks within any 12 month period.

Dust management, monitoring and mitigation

- 26) The best practical means shall be employed at all times to minimise the emission of dust from the development hereby permitted. In the event that dust generated by any of the operations hereby permitted is seen crossing the Site boundary, the operations giving rise to the dust shall cease or be curtailed until dust is no longer visibly crossing the Site Boundary. Notwithstanding this, within three months of the date of the permission, a Dust Management and Monitoring Action Plan shall be submitted to the Mineral Planning Authority for written approval. Once approved, measures within the Dust Management and Monitoring Action Plan shall be employed and maintained at all times to minimise the emissions of dust arising from the development including all operations, vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations throughout the period of mineral extraction, ancillary operations and restoration.

The Dust Management and Monitoring Action Plan shall provide details for and address the need for and, where necessary, include:

- a. Dust monitoring;
- b. The suppression of dust caused by the movement and storage of soil, overburden, stone and other materials within the Site;
- c. The provision of a mobile water bowser on site at all times to be deployed within the Quarry and on access roads and haul routes as required;
- d. The provision of spray and mist cannon as appropriate to dampen vehicles, stockpiles and roads etc.;
- e. The enforcement of a speed limit for mobile plant and haulage vehicles;
- f. The fitting of drilling rigs with efficient dust management measures;
- g. A stockpile management plan for soil and quarry products.
- h. Sheeting of all loaded haulage vehicles before leaving the Site;
- i. The provision and use of a vehicle cleansing facility for all haulage vehicles leaving the Quarry, which shall be adequately maintained and used throughout the operational life of the Site;
- j. Suspension of activities should dust be travelling across the Site boundary;
- k. Weather/wind conditions shall be taken into account in the operations of the Quarry to ensure that that the weather would not increase the likelihood of dust being transported across the boundary of the Site;
- l. Reducing drop heights from excavators and loading of vehicles where possible;
- m. Exhausts of all new mobile plant introduced to the Site to be directed away from the ground;
- n. A Site diary shall be maintained to log any complaints and take remedial action as necessary;
- o. Formal inspections for dust emissions at the Site boundary shall be made at least once daily to monitor dust emissions and take remedial action as necessary; and
- p. Provision for monitoring and review of the scheme and where necessary additional measures shall be agreed and implemented if dust emissions are causing a justifiable complaint.

The effectiveness of the approved Dust Management and Monitoring Action Plan shall be continually monitored. Any deficiencies in the approved Dust Management and

Monitoring Action Plan shall be notified to the Mineral Planning Authority and addressed through the submission of a revised Dust Action Plan and timescales for the written approval of the Mineral Planning Authority. The revised scheme and its associated timescales shall be implemented immediately after their approval.

Lighting

- 27) Prior to the installation of any lighting, a bat friendly lighting plan shall be submitted for written approval to the Mineral Planning Authority. The lighting shall be implemented as approved for the life of the development hereby approved.

Hours of operation

- 28) The permitted hours of working of the permitted Site and associated operations shall only be undertaken between the hours of 0600 and 1800 hours Mondays to Fridays, and 0600 and 1200 hours on Saturdays. There shall be no working on any Sunday or statutory/Public Holiday.

No other operations apart from maintenance, or emergency works in connection with the safety of the Site shall be carried out outside these hours, or on any Sunday Bank or public holiday.

Blast Management

- 29) The best practical means shall be employed at all times to minimise ground vibration and air overpressure from blasting operations. The blast design, when calculated with a 95% confidence limit, shall be such that vibration levels arising from the blast shall not exceed a Peak Particle Velocity of 6 millimetres per second in any plane, as measured at the nearest residential or other vibration sensitive property affected by vibration from blasting at the Site.

Blast Management

- 30) Unless otherwise previously agreed in writing with the Mineral Planning Authority, every blasting event undertaken within the Site shall be monitored at such point/s as may be

agreed with the Mineral Planning Authority. The monitoring shall record Peak Particle Velocity of the ground vibration arising on the longitudinal, transverse and vertical planes, the frequency of the vibration in each plane, the resultant Peak Particle Velocity and Air Over-Pressure recorded in decibels.

Blast Management

- 31) The monitoring referred to in Condition No. 30 above shall be programmed so as to update regularly knowledge of vibration propagation on the ground surrounding the Site. Upon request the updated results and Regression times of Peak Particle Velocity against Scale Distance shall be supplied to the Mineral Planning Authority at three (3) monthly intervals on request. The Regression lines supplied shall be the Mean line and the 95th percentile limit line and shall be relevant to each monitoring location.

Blast Management

- 32) Unless otherwise agreed in writing with the Mineral Planning Authority, and except in the case of emergency, there shall be no more than three blasts in any one calendar month for the initial 12 months of the commencement development. After this time, there shall be no more than two blasts in any one calendar month, up to a maximum of 12 blasts in any 12-month period, throughout the life of the development.

Blast Management

- 33) Blasting at the Quarry shall be undertaken in accordance with the approved Blasting Protocol for the Quarry as approved under application reference 01/2023/0239 for the life of the development unless a revised Blasting Protocol is subsequently approved in writing.

Archaeology

- 34) Prior to the commencement of development hereby approved, a Written Scheme of Archaeological Investigation using a strip/map/excavate methodology shall be submitted for written approval by the Mineral Planning Authority.

Archaeology

- 35) No development shall take place (including, soil stripping, ground works, vegetation clearance) until a programme of archaeological work has been implemented in accordance with the approved Written Scheme of Archaeological Investigation, required by Condition No. 34. The programme of archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance provided by the Chartered Institute for Archaeologists.

Nature Conservation

- 36) Prior to commencement of development (including, soil stripping, ground works, vegetation clearance) in each phase as defined by Condition No. 7, updated Ecological Surveys shall be submitted to the Mineral Planning Authority for written approval and shall inform the Great Crested Newt Conservation Plan and Landscape and Ecological, Habitats and Aftercare Management Plan as required by Conditions No. 37 and No. 38 respectively.

Nature Conservation

- 37) Prior to the commencement of development (including, soil stripping, ground works, vegetation clearance) in each phase as defined by Condition No.7, a Great Crested Newt (GCN) Conservation Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The approved Conservation Plan shall include:
- a. Build upon the principles outlined in the approved GCN Survey Report (Pleydell Smithyman, December 2019);
 - b. 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;
 - c. 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; fence monitoring and maintenance requirements; and supervised removal of barrier fences;
 - d. Submission to include proposed timescales and reporting requirements;
 - e. 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;

- f. 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; 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;
- g. Submission of measures designed to prevent the accidental capture/killing of newts (amphibians) during operational and restoration phases of the development;
- h. Details of timing, phasing and duration of operational ground works and restoration activities and conservation measures;
- i. Timetable for implementation demonstrating that works are aligned with the proposed development;
- j. Ecological Compliance Audit, including key performance indicators.
- k. Persons responsible for implementing the works; and
- l. Post restoration 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.

The approved Conservation Plan shall be carried out in accordance with the approved details for the life of the development including the restoration and aftercare period.

Nature Conservation

- 38) Prior to the commencement of development (including, soil stripping, ground works, vegetation clearance) in each phase as defined by Condition No.7, a Landscape and Ecological, Habitats and Aftercare Management Plan (LEMP) shall be submitted to and

approved in writing by the Mineral Planning Authority. The approved LEMP shall include the following:

- a. The Final concept restoration plan for each phase;
- b. To maintain and enhance broadleaf woodland in the long-term including improving connectivity between woodland block and extending woodland habitats;
- c. To restore and enhance great crested aquatic and terrestrial habitats in the long term. Habitat creation and enhancement to improve connectivity and habitat functionality for the species;
- d. To restore and ensure the long-term functionality of habitats for dormouse and bats;
- e. To manage, create and upkeep habitats for birds including those listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and Annex 1 of the Birds Directive. Provision aims to deliver Regulation 10 of the Conservation of Habitats and Species Regulations 2017 (as amended);
- f. To incorporate the requirements of DECCA, ecosystem resilience and green infrastructure provision;
- g. To restore maintain and enhance habitats and species listed under the provisions of Section 7 of the Environment (Wales) Act 2016 in the long term;
- h. To undertake actions that accord with the planned provision and management of "stepping stone" and linear habitats in accordance with the requirements of Regulation 41 of the Conservation of Habitats and Species 2017 (as amended) in the long term;
- i. To restore, maintain and enhance habitats and species listed under local nature recovery plans in North East Wales in the long term;
- j. Only native species shall be planted within the Site;
- k. The planting of trees, hedgerows and shrubs, to include the following;
 - i. The location, species, numbers, sizes and timing of the planting of trees, hedgerows and shrubs within the Site; and
 - ii. the methods of planting, protection, maintenance and replacement of trees, hedgerows, and shrubs within the Site.
- l. The location of existing, retained vegetation and woodland areas within the Site, including their protection, management and enhancement;
- m. A timeline of each phase and shall include timescales for:

- i. Perimeter bund removal;
 - ii. Replacement bund formation, detailed bund design and planting;
 - iii. Details of Vegetation removal;
 - iv. Details of planting; number, species and location; and
 - v. Monitoring and management of planting including annual reporting.
- n. Detailed five-year aftercare scheme for the management and maintenance of habitats established which shall include:
 - i. Replacement of trees and shrubs and areas of vegetation which die, become diseased, or are damaged;
 - ii. Maintenance of protective measures for young trees, shrubs and vegetation;
 - iii. Maintenance of means of enclosure;
 - iv. Maintenance of and installation of drainage and/or means of impoundment of water;
 - v. Management and control of vegetation growth by mowing, cutting or other means as appropriate;
 - vi. Management and maintenance of calcareous grassland and other habitats; and
 - vii. A nature conservation compliance record statement
- o. A mechanism for annual review.

Nature Conservation

- 39) The LEMP shall be reviewed and updated on an annual basis. An Annual LEMP report shall evaluate the restoration and aftercare works carried out in the previous year, assess requirements over the forthcoming year and provide details of management prescriptions and actions for the forthcoming year in terms of priority habitats. The Annual LEMP Report shall state the biodiversity loss and gain during the previous 12-month period. The Annual LEMP shall be submitted in writing to the Mineral Planning Authority within twelve months of the date of the commencement of development and then on an annual basis for the life of the development, including the restoration and aftercare period. The Annual LEMP shall be provided within 14 days prior to the annual LEMP meeting as required by Condition No. 40.

Nature Conservation

- 40) Unless otherwise agreed in writing with the Mineral Planning Authority, a Landscape and Ecological, Habitats and Aftercare Management meeting shall take place annually to monitor the progress of the restoration and habitat management on site.

Nature Conservation

- 41) Prior to the commencement of development, Biosecurity Risk Assessment shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall proceed strictly in accordance with those details as approved.

Nature Conservation

- 42) Prior to the commencement of development, a scheme of Reasonable Avoidance Measures for Peregrine Falcon shall be submitted to the Mineral Planning Authority for written approval. The approved reasonable avoidance measures shall be carried out in full for the life of the development.

Hydrology/Hydrogeology

- 43) Prior to any dewatering works, a scheme of dewatering shall be submitted to the Mineral Planning Authority for approval, the approved scheme shall be implemented throughout any dewatering works.

Public Rights of Way

- 44) Within three months of the commencement of development, a scheme to facilitate footpath improvements shall be submitted to the Mineral Planning Authority for written approval. The approved scheme shall be implemented for the life of the development.

Restoration

- 45) Prior to the commencement of restoration within each phase, a detailed scheme of phased restoration of the Site shall for each phase of the development shall be submitted to the Mineral Planning Authority for approval. The scheme shall provide for the following matters:
- a. The restoration of each phase of the development as undertaken in accordance with such details as may be approved under Condition No. 10 above, including

- treatment of quarry benches and faces, spreading of overburden and soils, fertilisation of the soils, seeding, planting and drainage, location of fences and field boundaries, access tracks and field water supply systems;
- b. The final treatment of the Quarry floor and haul roads, the removal of plant, structures, buildings, equipment, machinery, scrap and refuse, foundations, roadways, hardstandings, pipework, lagoons, signs and storage mounds, except where any of these are required for the purposes of restoration, development and management of the Site for nature conservation purposes or to maintain third party access;
 - c. Identification of the species or habitat type of flora and fauna for which provision is to be made in the restoration, development and management of the Site;
 - d. Description of the habitat appropriate for each species or habitat type and of how each habitat is to be created, such details to include the timing within the overall phasing of the restoration works;
 - e. Location and extent;
 - i. Contouring to create an appropriate landform;
 - ii. Surface treatment, including ripping or scarification of rock surface; the quantity, depth and nature (including physical and chemical properties) of the soil-forming materials to be used on the restoration areas; the machinery and surface treatment techniques to be used to place the forming soil materials on the restoration areas;
 - iii. the Application of fertiliser and/or mineral dressing where appropriate;
 - iv. Drainage works, including the formation of wet areas and/or ponds;
 - v. Seeding and planting, including means of protection of young vegetation; and
 - vi. Means of enclosure.
 - f. An outline aftercare scheme.

The progressive restoration of the Site shall be carried out in accordance with the scheme as submitted under this condition and approved by the Mineral Planning Authority and in accordance with any subsequent amendments to the scheme that are agreed in writing by the Mineral Planning Authority.

Restoration

- 46) Written notification of the completion of restoration within each phase of the development as approved under Condition No. 45 above shall be given to the Mineral Planning Authority within four weeks of such completion.

Restoration

- 47) Notwithstanding the requirements of Condition No.46, all fixed and mobile plant, structures, erections, buildings, and infrastructure shall be removed from the Site within 12 months of the date of final cessation of working, except where they have been expressly incorporated for retention within the approved restoration scheme, or where it is necessary to retain third party rights of access on the main Site access road.

Restoration

- 48) Prior to the commencement of development in Phase 5 of the approved development, a final Detailed Restoration Plan shall be submitted which shall also include a post restoration land use management plan.

Restoration

- 49) In the event that mineral operations permanently cease prior to the extraction of all workable reserves within the approved development, a revised scheme of restoration, to include details of restoration and timescale for the completion of the restoration works, shall be submitted for approval to the Mineral Planning Authority no later than six months from the date of the permanent final cessation of working (notification required under Condition No. 6) for the approval of the Mineral Planning Authority and, upon written approval, shall be fully implemented as approved.

Restoration

- 50) The aftercare of the restoration works undertaken within each phase of the development shall be carried out in accordance with such details as may be approved under Condition Nos. 38 and 45 above. The said aftercare shall commence upon the date of completion of each phase of restoration, as notified to the Mineral Planning Authority under Condition No. 46 above, and shall continue throughout the lifetime of the development hereby

permitted and for a period of five years beyond the date of completion of the final phase of restoration.

Blasting

51) All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby sensitive residential property (not owned by the Appellant) the Mineral Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed prior to any further blasting being undertaken at the Site, with all future blasting being undertaken in accordance with the findings of the review.

Restoration

52) No more than 1,700,000 tonnes of inert restoration material shall be imported to the Site over the duration of the development hereby approved.

The reasons for the conditions are:

1. To comply with Section 91(1) (b) of the Town and Country Planning Act, 1990 in the interests of amenity.
2. For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents and to assist compliance monitoring.
3. For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents and to assist compliance monitoring.
4. For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents and to assist compliance monitoring.
5. For the avoidance of doubt and to comply with the requirements of Schedule 5 of the Town and Country Planning Act, to ensure certainty for the life of the development, define the life of this permission in accordance with the approved scheme, in a timely manner, in the interests of residential amenity, in the interests of landscape amenity.
6. In the interests of the restoration of the Site, to ensure that the Quarry is restored to the satisfaction of the Mineral Planning Authority in accordance with the approved scheme, and in a timely manner, in the interests of residential amenity in the interests of landscape amenity.

7. For the avoidance of doubt, to remain informed and manage the development effectively in accordance with the planning application, in the interests of restoration, protection of sites of biodiversity importance and in the interests of amenity
8. In order that the Mineral Planning Authority can monitor the output of the Site. In the interests of highway safety and safeguarding the amenity of the residents of the local area.
9. In order that the Mineral Planning Authority can monitor the importation of restoration material. In the interests of highway safety and safeguarding the amenity of the residents of the local area.
10. For the avoidance of doubt, to remain informed and manage the development effectively in accordance with the planning application, in the interests of restoration, protection of sites of biodiversity importance and in the interests of amenity.
11. In the interests of landscaping and visual amenity.
12. In the interests of the restoration of the Site and to ensure soil resources are protected.
13. In the interests of the restoration of the Site and to ensure soil resources are protected.
14. In the interests of the restoration of the Site and to ensure soil resources are protected.
15. In the interests of the restoration of the Site and to ensure soil resources are protected.
16. In the interest of protection of the environment and water resources.
17. In the interest of protection of the environment and water resources.
18. For the avoidance of doubt, in the interests of highway safety
19. In the interests of highway safety and amenity of the area, and safeguarding the local environment, to prevent mud, limestone dust and products and debris being taken on to the public highway and to control the potential for the dispersal of slurry, dirty spray and dust from the Site by quarry traffic and other passing vehicles.
20. In the interests of highway safety and amenity of the area, and safeguarding the local environment, to prevent mud, limestone dust and products and debris being taken on to the public highway and to control the potential for the dispersal of slurry, dirty spray and dust from the Site by quarry traffic and other passing vehicles.
21. In the interests of highway safety and amenity of the area, and safeguarding the local environment, limestone dust and products and debris being taken on to the public highway.

22. To define the development and in accordance with the Town and Country Planning Act 1990, and to ensure that plant and machinery can be assessed for visual impact, and in the interests of amenity.
23. To protect the amenities of the locality from the effects of any noise arising from the development and to effectively manage and monitoring noise arising from the approved operations. To provide a mechanism for noise monitoring and mitigation, in the interests of the protection of amenity and health and well-being of the neighbouring population.
24. For the avoidance of doubt, and to define acceptable noise limits, to protect the amenities of the locality from the effects of any noise arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population.
25. For the avoidance of doubt, and to define acceptable noise limits, to protect the amenities of the locality from the effects of any noise arising from the development. In the interests of the protection of amenity and health and well-being of the neighbouring population
26. To protect the amenities of the locality from the effects of any dust arising from the development, and to effectively manage and monitor dust arising from the approved operations. In the interests of the protection of amenity and health and well-being of the neighbouring population and to ensure that dust emissions from the Site are controlled.
27. For the avoidance of doubt, interests of amenity and to minimise light pollution in the interests of nature conservation and protected species and to assess the impact on lighting should it be required in the future.
28. For the avoidance of doubt, to define the operational hours of the development hereby approved, and to protect the amenities of the occupiers of nearby properties.
29. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well-being of the neighbouring population and protection of property and to reduce the impact of blasting, and to define acceptable blast limits.
30. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well-being of the neighbouring population and protection of property and to reduce the impact of blasting.

31. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well-being of the neighbouring population and protection of property and to reduce the impact of blasting.
32. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well-being of the neighbouring population and protection of property and to reduce the impact of blasting.
33. To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity, health and well-being of the neighbouring population and protection of property and to reduce the impact of blasting
34. In the interests of Archaeology and to secure preservation by a record of all archaeological remains which may be impacted by the development.
35. In the interests of Archaeology and to secure preservation by a record of all archaeological remains which may be impacted by the development.
36. In the interests of nature conservation and the conservation of European Protected Species and to ensure the most up to date survey information informs the ecological mitigation and management on the Site.
37. In the interests of nature conservation and the conservation of European Protected Species and to ensure that an approved great crested newt Conservation Plan is implemented, which protects great crested newts affected by the development.
38. In the interests of the restoration of the Site. To ensure restoration is carried out at the earliest opportunity in a phased manner. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the Site to be put to beneficial after-use.
39. In the interests of the restoration of the Site. To ensure restoration is carried out at the earliest opportunity in a phased manner and to assist effective compliance monitoring and management. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the Site to be put to beneficial after-use.
40. In the interests of the restoration of the Site. To ensure restoration is carried out at the earliest opportunity in a phased manner and to assist effective compliance monitoring and management. In the interests of visual amenity, wildlife conservation and biodiversity. To enable the Site to be put to beneficial after-use.
41. In the interest of preserving ecological interests and protecting habitats and nature conservation from contamination and invasive species.

42. For the avoidance of doubt, in the interests of nature conservation, and the conservation of protected species.
43. In the interest of protection of the environment and water resources.
44. In the interest of public amenity and safe use of a public right of way and to improve the amenity of the public right of way.
45. In the interests of the restoration of the Site, to ensure that restoration is carried out at the earliest opportunity, and to ensure that the Quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To enable the Site to be put to beneficial after-use.
46. To assist compliance monitoring, in the interests of the restoration of the Site, to ensure that restoration is carried out at the earliest opportunity, and to ensure that the Quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To enable the Site to be put to beneficial after-use.
47. In the interests of the restoration of the Site, to ensure that restoration is carried out at the earliest opportunity, and to ensure that the Quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To enable the Site to be put to beneficial after-use.
48. In the interests of the restoration of the Site, and to ensure that the Quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To accommodate any unforeseen changes on site and to enable the Site to be put to beneficial after-use.
49. In the interests of the restoration of the Site, and to ensure that the Quarry is restored to the satisfaction of the Mineral Planning Authority. In the interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity. To accommodate any unforeseen changes on site and to enable the Site to be put to beneficial after-use.
50. In the interests of the successful aftercare of the Site, and to ensure that the Quarry is managed and restored to the satisfaction of the Mineral Planning Authority. In the

interests of safeguarding the amenity of the residents of the local area, visual amenity, in the interests of nature conservation, and biodiversity and to enable the Site to be put to beneficial after-use.

51. *To protect the amenities of the locality from the effects of blasting associated with the development. In the interests of amenity and health of the neighbouring population and protection of property and to reduce the impact of blasting.*
52. *To define the development hereby permitted, to ensure that the Quarry is restored to the satisfaction of the Mineral Planning Authority in accordance with the approved scheme, and in a timely manner, in the interests of residential amenity in the interests of landscape amenity.*