

**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 land

Summary Written Statement of Evidence of Liam Toland BA
(Hons) MSc, MRTPI – Planning

July 2025

Qualifications

1. My name is Liam Toland. I hold a Bachelor of Arts degree in History and Geography having graduated in 2003 and a MSc in Regional and Urban Planning having graduated in 2006. I am a Member of the Royal Town Planning Institute (MRTPI) since 2008. I have over eighteen years' experience in planning obtained through employment in the private consultancy sector.

Appeal Proposal

2. The Appeal is in respect to the refusal by Denbighshire County Council to grant planning permission for a consolidating application for the extension of winning and working of limestone, importation of inert restoration material and restoration to amenity land. The proposed development would release ~4.4 million tonnes of saleable mineral, at a rate of 400,000 tonnes per annum giving an extraction life of 11 years.
3. Existing operations (Ref: 01/2019/0757) are permitted to a limit of 500,000 tonnes per annum, but the quarry has reduced its rate of working to 200,000 tonnes per annum so as to not run out of mineral during the determination of this Planning Appeal. As part of the proposal the Appellant has agreed to reduce the output limit from the permitted 500,000 tonnes per annum to 400,000 tonnes per annum which is a 20% reduction on annual tonnage allowance.
4. The proposed development also includes for the importation of 1.5 million m³ of inert waste for backfilling of the quarry void facilitating the restoration of the site.

Scope of My Evidence

5. In my evidence, I have covered planning policy relating to minerals, the need for both crushed rock and inert waste management, consideration of issues raised by interested parties and the planning balance.
6. The analysis of planning policy has been set out in several documents, notably the Planning Statement, the Environmental Statement and the Officer's report to committee. I have considered the Officer's report in relation to relevant planning policies and the planning balance reached. I agree with the officer's balanced consideration and that planning permission should be granted.

Need for Crushed Rock

7. It is agreed in the SoCG that there is a demonstrable need for this mineral. The proposed extension at Denbigh Quarry that would yield approximately 4.4 million tonnes and would meet that sub-regional need for crushed rock aggregate as set out in the endorsed RTS 2

and the adopted SSRC for the North-East Wales sub-region. It is considered therefore, that there is a demonstrable need and evidence base for this proposed extension at Denbigh Quarry. Furthermore, due to its location, it is considered that Denbigh Quarry has a key strategic role in limestone product supply. The Appellant has provided evidence that there is a local need to supply local markets of crushed rock for construction and also for the application of agricultural lime.

8. I therefore attached significant weight to the benefits of the Appeal Scheme to meet an identified mineral need.

Need for Inert Waste Management

9. The Appeal Scheme includes for the importation of ~1.5 million m³ of inert waste material to facilitate the restoration of the site to beneficial habitat and landuses. The Appellant is able to demonstrate an existing supply of inert waste through their operations at Maes Mynan Quarry ~8km north east of the Appeal Site.
10. The proposed rate of importation at Denbigh Quarry will vary through the extraction phases, with a rate of ~50,000tpa through Phases 2 and 3, increasing to ~100,000tpa within Phases 4 and 5.
11. Denbigh Quarry is an existing waste management facility identified within the Denbighshire Local Plan (Policy VOE7), therefore the principle of importation and placement of material is established. The proposed development would see the continuation of the existing facility and provide for additional capacity within Denbighshire and North Wales, providing the opportunity to divert waste from landfill. It is agreed with the Council within the SoCG that the importation and use of inert waste within the restoration of the site is acceptable.
12. I attach great weight to the benefits of the Appeal Scheme for the management of waste within the County and North Wales.

Restoration and Consideration of Other Benefits

13. 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 waterbodies 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.

14. 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. The total loss of habitat/vegetation amounts to 4.732 hectares, compared with the total gain of 23.37 hectares over the life of the development throughout the various phases of the quarry development. Furthermore, NRW and the Council's Ecologist conclude that the proposed development is not likely to damage the special interesting features of Crest Mawr Wood and Graig Quarry SSSI.

15. I attach great weight to the benefits of the Appeal Scheme for the management of waste within the County and North Wales.

16. Denbigh Quarry employs seven members of staff and two contractors directly. There are three further staff employed in the concrete batching plant onsite owned and operated by the Appellant. There are 20 further hauliers indirectly affected by the quarrying at the site. Contribution to the local economy also derives from the purchase of local services.

17. I consider that great weight be attributed to the economic and employment benefits that the extension to Denbigh Quarry would provide.

Amenity Policy Considerations

18. In the case of the proposed developments acceptability against the policies and principles of the development plan, there were two main policies of conflict identified through the single reason for refusal of the planning application for which the Council are defending – Policy PSE16 and PSE17 of the Denbighshire Local Development Plan 2006-2021. Further to this, it is the Council's case that there is further national guidance which carry weight in the decision to be made on the appealed application, namely: Minerals Technical Advice Note 1, Technical Advice Note 21 'Waste', the Development Management Manual and Planning Policy Wales Edition 12.

19. These policies have been considered in detail within my Written Statement of Evidence,

and within each of the individual specialist Statements of Evidence produced by Mr Baxter, Mr Walton and Mr Farnfield,

20. Mr Baxter concludes that the proposed development would not bring operations closer to residential properties than the existing operations. Furthermore, concluding that the proposal accords with all relevant national and local planning policies and guidance.
21. Mr Walton considers that the proposed adjustment / relocation of the buffer area to accommodate the extension area complies with the requirements of Policy PSE16 and PSE17 due to the distance that is being maintained from existing sensitive (residential) uses coupled with the lack of impacts. Mr Walton finds that the proposed development accords with all relevant dust control policies.
22. Mr Farnfield finds that the controls set out within his evidence, support the requirements of Policy PSE17 in the Denbighshire Local Development Plan.

Consideration of Issues raised by Interested Parties

23. A number of environmental matters have been raised by Interested Parties and members of the public. These have been fully addressed by the ES and Officer's Report. The specialist evidence provided in this appeal also makes clear that there are no adverse effects in terms of noise, dust and vibration which would not be appropriately controlled and mitigated.

Planning Balance

24. It has been agreed with the Council, through the Statement of Common Ground, that the Appeal Scheme would not give rise to any significant adverse effects on: ecology, landscape and visual impacts, trees and woodlands, soils and agriculture, archaeology and cultural heritage, public rights of way, traffic and highways or the water environment.
25. Across all environmental and human health considerations and technical assessment work, where any potential for adverse impacts are identified, suitable mitigation measures have been recommended and implemented into the Appeal Scheme, or planning conditions suggested, to ensure that the proposed development is appropriate. It is the Appellants case that the Appeal scheme is demonstrated to be acceptable and accord with the Development Plan in its entirety.
26. I therefore give slight weight to any potential amenity or environmental harms.
27. The overall planning policy conclusion is that the development would be in accordance with the development plan in term of the sustainability benefits it would bring, the need to maintain a landbank of permitted reserves, and the ability to continue to regulate the

development to within acceptable limits. The development is thus entitled to a presumption in favour of planning permission being granted (ref Section 38(6) of the Planning and Compulsory Purchase Act 2004).

28. In addition, in terms of a wider planning balance, the weight to be afforded to the need for the development; the importance of continuity of supply; the absence of any material public health impact, and the socio-economic benefits of the development through maintained direct and indirect income and employment, are such that the balance should fall heavily in favour of the appeal proposal being approved.

Conclusion

29. In summary therefore, and based on the evidence that I have presented, I conclude the following:

- Great weight is to be given to the benefits of mineral development;
- There is an urgent need for the release of crushed rock mineral within North East Wales for which the Appeal Scheme is capable to supply;
- It is demonstrated within my evidence, and that of Mr Baxter, Mr Walton & Dr Farnfield that the Appeal Scheme successfully mitigates all amenity impacts and concern which form the basis of the reason for refusal;
- The Appeal Site accords with national guidance in respect of sustainable provision of mineral reserve, and is demonstrated to accord with the detailed policies of the Denbighshire Local Plan PSE16 and PSE17, as well as being in general accordance with the Local Development Plan as a whole;
- The Appeal Scheme will result in biodiversity benefit; and,
- The site is a demonstrable sustainable location for minerals and waste development.

30. On this bases, I respectfully invite the Inspector to allow the Appeal.