

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

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

July 2025

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1 Introduction and Background to Appeal

1.1 Personal Details

- 1.1.1 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.
- 1.1.2 From June 2013 to September 2022, I was employed by Heatons, being promoted to Planning Director in 2021. My work with Heatons has predominantly been in connection with the minerals and waste sectors, preparing planning applications and project managing EIAs for a range of developments including new and extensions to quarries covering a wide range of mineral types.
- 1.1.3 Since October 2022, I have set up my own company Liam Toland Planning, predominantly providing planning services to the minerals and waste sector. Since September 2024, I have been Director of Kedd Limited, a Multi-disciplinary Consultancy of Planners, Landscape Architects and Ecologists. As such, I have good experience in the issues that are relevant to this Inquiry.
- 1.1.4 In preparing this evidence for the determination of the appeal I have reviewed all the relevant documentation.
- 1.1.5 I have visited the Appeal Site and the surroundings and have examined the relevant plans and documents for the purpose of this Inquiry. My Written Statement of Evidence shall provide general planning evidence covering various issues relating to National and local planning policy, and in particular need considerations of the Appeal.

1.2 The Appeal Scheme

- 1.2.1 Full details of the proposed operations, including proposed phasing, are provided in the Environmental Statement (CD1.22) and Section 2 of the Statement of Common Ground (SoCG), which has been agreed with the Council.

1.3 The Appeal Site and Surroundings

- 1.3.1 This is described in Section 3 of the agreed SoCG.

1.4 Planning History Relevant to the Appeal

1.4.1 The planning history of the appeal site is described in Section 4 of the agreed SoCG.

1.5 Planning Policies relevant to the Appeal

1.5.1 The relevant development plan policies can be found within the agreed SoCG in Section 5.

1.6 Reasons for Refusal

1.6.1 The decision notice (CD5.01) issued by DCC on 23rd January 2024 refused the application for the following reasons:

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)."

- 1.6.2 However, as set in DCC's SoC, the Council no longer propose to defend reasons for refusal (RfR) 1 and 2 and they set out justification for not defending these reasons within their Statement of Case (SoC).

1.7 Declaration

- 1.7.1 I can confirm that the evidence which I have prepared and provide for this appeal reference CAS-03423-V9Z8M3 in this Statement of Evidence to be true, and that the opinions I have expressed represent my true and complete professional opinion, and complies with the RTPI Code of Professional Conduct.

2 Planning Policy and the Committee Report

2.1 Introduction

2.1.1 In this section I consider the Officer's Committee Report (CD5.02) to the Planning Committee in relation to relevant planning policies and the planning balance reached.

2.2 Planning Policy

2.2.1 To avoid unnecessary duplication, I assume the reader has read the Committee Report (CD5.02). I also assume that the reader has read the Planning Statement (CD1.01), particularly section 4 on Planning Policy and Need for the Development. Together, the Committee Report and the Planning Statement comprise a detailed evaluation of relevant planning policy at the national and local level along with setting out the factors that contribute towards the planning balance. Further details on policy are set out in the SoCG.

2.3 Committee Report

2.3.1 In arriving at the recommendation for approval, the Planning Officer identified 15 key issues to be considered in determining whether the application is acceptable, namely:

- Principle of Development;
- Need for aggregate minerals;
- Loss of Agricultural Land;
- Landscape and Visual amenity including impact on trees;
- Residential Amenity and health risks; blasting, noise and dust/air quality;
- Ecology and Nature Conservation;
- Highways, traffic and transportation;
- Public rights of way and open space;
- Archaeology and Built / Cultural Heritage;
- Hydrology and Hydrogeology;
- Restoration, Aftercare and long-term management;
- Net Benefit for Biodiversity;

- Economic benefits;
- Community Benefit Fund; and,
- Environmental Assessment.

2.3.2 The report set out a detailed consideration of each aspect, which led to a balanced consideration and recommendation for approval.

3 Scope of my evidence

3.1.1 My Statement of Evidence covers planning policy relating to minerals and mineral and waste need.

3.1.2 The following elements are considered:

- The need for crushed rock (Section 4);
- The need for inert waste disposal (Section 5);
- Main Planning Policy Considerations (Section 6);
- Comments on Issues Raised by Interested Parties (Section 7); and,
- Planning Balance and Conclusions (Section 8).

3.1.3 In preparing my evidence I have also had regard to the evidence provided by:

- Dr Robert Farnfield on blasting and vibration;
- Alasdair Baxter on noise matters; and,
- Malcolm Walton on air quality and dust.

4 The Need for Crushed Rock

4.1 Introduction and Policy Consideration

- 4.1.1 Planning Policy Wales Edition 12 (**CD6.06**) requires Planning Authorities to ‘provide positively for the working of mineral resources’ (para 5.14.2), and ‘each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals which reflects the nature and extent of resources in the area’ (ref para 5.14.10).
- 4.1.2 Minerals Technical Advice Note 1 (MTAN1) (**CD6.15**) provides advice on the means by which the five key sustainable principles for minerals planning originally set out in Minerals Planning Policy Wales 2000 are to be delivered, and which are now enshrined in the wider sustainability requirements set out in PPW12.
- 4.1.3 The first of the key principles (A) is to provide aggregate resources in a sustainable way to meet society’s needs for construction materials. Refusing the appeal proposal would not be consistent with this principle.
- 4.1.4 Policy PSE17 of the Denbighshire Local Development Plan (**CD6.01**) provides four detailed criteria for mineral development to accord.
- 4.1.5 The section below details the existing mineral position within the authority area of Denbighshire, as well as reviewing the wider North Wales need.

4.2 Crushed Rock Position in Denbighshire / North Wales

Regional Technical Statement Second Review (RTS 2) (2020) (**CD6.18**)

- 4.2.1 RTS 2 projects future demand for aggregates in Wales and the Appendices consider the situation relating to the north and south of the country. Appendix A (**CD6.19**) relates to North Wales. RTS 2 provides strategic recommendations to each LPA regarding their apportionments and indicates the likelihood of new allocations, which may need to be made in the next LDP, to meet the predicted future demand throughout the relevant plan period. Denbighshire County Council endorsed RTS 2 on 26th January 2021.
- 4.2.2 RTS 2 calculates two figures for the apportionment of aggregate provision and adjusts them due to qualitative considerations. The stage 2 calculation shows that North Wales is likely to require 7.7 million tonnes per annum (Mtpa) and, of this, the North-East sub-region should provide 5.1 Mtpa. For Denbighshire the outcome is adjusted by those qualitative measures to become an annual allocation of 0.86 Mtpa but the existing

levels of permitted reserves exceeds the Local Plan period requirement – for Flintshire the annual allocation figure is 3.6 Mtpa requiring an overall allocation in that LPA area, in addition to the permitted reserves, of approximately 36 million tonnes.

4.2.3 RTS 2 acknowledges that these are minimum figures and the allocation can be exceeded. One of the challenges facing allocation of resources is that the southern part of the Carboniferous Limestone outcrop in Flintshire and almost all of the outcrop within Wrexham are heavily constrained by their location within the Bryniau Clwyd AONB.

4.2.4 At paragraph A37, RTS 2 states:

“Overall, there is limited justification for changing the existing pattern of supply of crushed rock within the sub-region, other than to encourage an increase in the proportion supplied from Denbighshire. This is in recognition of the surplus of existing permitted reserves within that county, which can be used to offset some of the very large projected shortfall of reserves in neighbouring Flintshire. This has been accomplished through an adjustment of the apportionments given to each LPA as explained in Table 5.2 of the main report. Even with that adjustment, Flintshire is facing the need to make new allocations for Carboniferous Limestone production, totalling at least 35.928 million tonnes”

4.2.5 Appendix A goes into more detail regarding the collaboration of LPAs to meet sub-regional allocations and the potential for substitution of, for example, lower purity rock for that of higher purity (para A58).

4.2.6 RTS 2 acknowledges that the figures are based on the 2016 permitted reserves and so there will have been a change in the following three years which will have seen a depletion in the calculated figure of this reserve. Each LPA is considered individually and the RTS states for Denbighshire that:

“In view of the surplus of existing permitted crushed rock reserves within Denbighshire, no further allocations for crushed rock are required to be identified within the LDP. In the longer term, however, 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.

Consideration should also be given to whether any of the factors set out in paragraph A58 above give rise to any further requirements for resource allocations within the area.”

4.2.7 The Appeal proposal would make a significant contribution towards alleviating the

pressure on Flintshire to allocate 36 million tonnes and RTS 2 notes that *“further collaborative working, with both Denbighshire and Wrexham may be needed to provide optimal solutions”* (p.25, Appendix A).

- 4.2.8 RTS 2 also introduces the requirement for all LPAs in each sub-region to prepare a Statement of Sub-Regional Collaboration (SSRC) (**CD6.20**) where individual local authority areas cannot meet their stated apportionment. The adoption of an SSRC would not only ensure that the overall sub-regional apportionments can be met, it also can be used as crucial evidence for demonstrating that the adopted, or forthcoming Local Development Plan will provide the objectively assessed need for minerals over the plan period. Furthermore, any Statement of Sub-Regional Collaboration is a material planning consideration in the determination of planning applications. The Counties of Denbighshire, Flintshire and Wrexham form the North-East Wales sub-region.
- 4.2.9 Whilst the RTS2 states that Denbighshire, as a Local Authority Area would not need to provide any allocations for crushed rock due to the current landbank, the need for crushed rock mineral on a sub-regional scale, is demonstrated through the requirement in the RTS 2 for the North-East Wales sub-region to allocate an additional resource of 36 million tonnes.
- 4.2.10 A sub-regional collaboration agreement for the North-East Wales sub-region is now in place between Denbighshire, Wrexham and Flintshire. The North-East Wales Statement of Sub-Regional Collaboration (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.”*
- 4.2.11 This document has been agreed and endorsed by all the Local Authorities in the sub-regional area. On 7th April 2021, the members of the Denbighshire County Council Strategic Planning Group endorsed the adoption of the 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.
- 4.2.12 As stated above, the sub-regional minimum allocation required to meet the projected

provision is 36 million tonnes. Planning permission for a large lateral extension of Hendre Quarry in Flintshire has been granted. Furthermore, the allocations set out in the Flintshire Local Development Plan have now been adopted. With these allocations and planning permission to extend Hendre Quarry, there remains a shortfall of a minimum requirement of 3 million tonnes for crushed rock over the plan period, on a sub-regional scale.

4.2.13 The proposed extension at Denbigh Quarry that would yield approximately 4.4 million tonnes, would therefore meet that sub-regional need for crushed rock aggregate as set out in 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. The evidence stated above with regards to the endorsed RTS 2 and the adopted SSRC provides the evidence of a demonstrable need for crushed rock on a sub-regional scale in North-East Wales.

4.2.14 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.

4.3 Conclusions

4.3.1 In summary therefore based on the evidence that I have presented above, I conclude that there is a shortfall in crushed rock supply in North East Wales for which Denbighshire have committed to assisting in addressing. This appeal proposal allows the North Wales authorities to address all of the immediate need.

5 The Need for Inert Waste Disposal

5.1 Introduction and Policy Context

5.1.1 To restore the site and help create restoration formation levels, the Appellant is proposing to import inert material. The imported inert material would consist of clean excavated materials consisting of clays, overburden and soil making material.

5.1.2 The Appellant, Breedon Trading Ltd, have substantial experience with the management of inert waste in the restoration of quarry developments.

5.1.3 Inert Waste is defined by Natural Resources Wales as *“waste that does not undergo any significant physical, chemical or biological changes, will not physically or chemically react, burn, biodegrade or adversely affect other matter it comes into contact with.”*¹

5.1.4 In 2019, the Minerals Products Association published ‘From waste to resource a UK Mineral Products industry success story’². The following Key Facts are published within the report based on 2014 data which was most recently available:

- 120MT of Construction, Demolition and Excavation Waste (CDEW) is produced in the UK in a typical year, of which 12MT represents navigational dredging spoil disposed offshore and hazardous waste. From the remaining balance of 108MT;
- 76% of all Construction, Demolition and Excavation Waste is currently recycled or recovered in the ‘chain of utility’ and directly contributes to the Circular Economy;
- 90% of hard Construction & Demolition Waste (CDW) is recycled as aggregates. Together with a further 9MT of recycled soft Excavation Waste (EW), this contributes 60MT to the construction materials supply chain;
- 57% of soft Excavation Waste (EW) is beneficially used, mainly in backfilling operations to restore land, often following mineral extraction; and,
- Only 26MT of the remaining Construction, Demolition and Excavation Waste (CDEW) waste stream is actually sent for disposal, of which a proportion is likely to be used beneficially.

5.1.5 EW plays an important role in the delivery of quarry restoration. Once separated from the CDEW waste stream, EW can be recycled into soils for use on the site of production, transferred to another site or as a product in its own right. MPA Members who produce

¹ <https://naturalresources.wales/permits-and-permissions/waste-permitting/depositing-waste-for-recovery/prepare-a-management-system-for-a-deposit-of-waste-for-recovery-activity/?lang=en>

² https://www.mineralproducts.org/MPA/media/root/Publications/2019/MPA_Inert_Waste_Feb2019.pdf

recycled and secondary aggregates will, wherever possible, recover EW alongside these processes. 17.5% of EW is currently recovered for other uses, excluding backfilling.³

- 5.1.6 One of the most significant end-uses of EW is in the phased restoration of mineral workings once extraction activities have ended. Mineral excavation is a temporary land use, with site restoration a critical element to ensure that land is available for restoration to future generations. In many cases, site restoration can result in the delivery of valuable new habitats, contributing towards national biodiversity targets and wider 'net gain' ambitions.
- 5.1.7 Defra data indicates that 39.3% of all EW is currently recovered for use as backfill. Consequently, the mineral products sector represents a significant end-user of EW, activity which generates substantial benefits by returning land previously subject to mineral extraction back to beneficial and productive use.
- 5.1.8 Technical Advice Note 21 (TAN21) (CD6.12) provides the national guidance on waste. The guidance aims towards zero waste, with Planning Policy Wales and the guidance setting a framework for facilitating the delivery of sustainable waste management infrastructure through the planning process.
- 5.1.9 Policy VOE 7 of the Denbighshire Local Development Plan (CD6.01) identifies locations for waste management facilities in the county, with Denbigh Quarry being a listed location.

5.2 Inert Waste Position and Proposals

- 5.2.1 The extant Denbigh Quarry operations involve the importation of inert waste to achieve the approved restoration levels for the permitted scheme. Denbigh Quarry as a site for waste management is acknowledged in the Local Plan (CD6.01) which identifies the quarry as a facility. The use of a quarry for management of waste is accepted within TAN21 (CD6.12) at paragraph 3.27.
- 5.2.2 In addition to Denbigh Quarry, the Appellant operates Maes Mynan Quarry (Flintshire) located ~8km north east of the Appeal Site. Maes Mynan Quarry accepts inert material under an environmental permit which allows up to 80,000 tonnes to be imported per annum. The existence of the Maes Mynan site and the fact that it is accepting inert material to provide quality restoration demonstrates that there is an ongoing need for this type of arrangement and a replacement will be needed from 2021 onwards. This view is reflected in TAN 21 (CD6.12) at paragraph 4.13 which states that "Where

³ https://www.mineralproducts.org/MPA/media/root/Publications/2019/MPA_Inert_Waste_Feb2019.pdf

planning permissions already exist in an area (region) they should be taken into account in determining the level of need”.

- 5.2.3 As stated in the Planning Statement (**CD1.01**) which accompanied the planning application, *“Extraction waste will be produced by the proposed development as there are areas of clay within the stone. This mineral waste will vary across the whole site due to the variation in geology. The estimated quantity of indigenous waste has been derived from the geotechnical borehole information and applied to the restoration profile as approved. This calculation shows a shortfall that would need to be met by the importation of inert material.”* A Waste Planning Assessment (**CD1.21**) was also submitted in support of the proposed development.
- 5.2.4 The Appellant is able to demonstrate a consistent supply of inert waste within the local area for use in restoration of their operations. 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.
- 5.2.5 The overall restoration profile for the submitted scheme requires the importation of ~1.5 million m³ of inert waste. The importation and placement of the waste will facilitate the following benefits of the proposed Restoration Scheme (**CD1.06**):
- Creation of a Priority Habitat (Calcareous Grassland) along the quarry floor with a gentle slope to allow for natural drainage;
 - 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.
- 5.2.6 Furthermore, as stated within the Committee Report (**CD5.02**), *“In terms of the consideration of the waste hierarchy, it is considered that this restoration of the site using inert soil forming material is considered to be ‘recovery’ rather than disposal and therefore would accord with the principles of the waste hierarchy pushing waste material up the hierarchy to avoid disposal.”* Without the importation of inert material the restoration would have to be low-level, consisting of several benches which would make restoration to woodland both challenging and non-viable.
- 5.2.7 The waste hierarchy, first set out in the European Waste Framework Directive, was transposed into Welsh legislation and guidance by Technical Advice Note 21. Whilst landfill is the least sustainable option, the use of inert material for the restoration of

mineral sites is classified as recovery. Whilst this is not the most sustainable option the producer will seek to minimise the production of waste at source and then reuse or recycle those materials where possible. The fraction of the waste that is imported will be those that are residual from these processes and is not, therefore, capable of beneficial use other than recovery.

- 5.2.8 The supply, importation and use of inert waste in the restoration of Denbigh Quarry is accepted by Council, as agreed within the Statement of Common Ground.

5.3 Conclusions

- 5.3.1 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.
- 5.3.2 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.
- 5.3.3 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.

6 Main Planning Policy Considerations

6.1.1 As stated in Section 1 of my evidence, Denbighshire County Council are now only defending Reason for Refusal 3 of the Decision Notice. The reason for refusal refers to two Development Plan policies (**CD6.01**) – PSE16 ‘Buffer Zones’ and PSE17 ‘Future Mineral Extraction’; as well as national planning advice contained in Minerals Technical Advice Note 1 (**CD6.15**), Technical Advice Note 21 ‘Waste’ (**CD6.12**), the Development Management Manual (**CD6.07**) and Planning Policy Wales 11 (including updated Chapter 6) – although it is noted that the current edition of the PPW is Planning Policy Wales 12 (**CD6.06**). The Council’s SoC does also incorrectly reference paragraph 5.15 of PPW Edition 12, which doesn’t exist in Edition 12.

6.1.2 Consideration of these planning policies is provided below.

6.2 Denbighshire Local Development Plan 2006 – 2021 (adopted June 2013) (**CD6.01**)

6.2.1 Policy PSE16 states that:

“Sensitive development within buffer zones, as defined on the proposals map, will not be permitted unless it can be demonstrated that working has ceased and will not be resumed.

Extensions to quarries will only be permitted where a suitable buffer can be retained, i.e. where such an extension would not cause other development to become part of a buffer, and where it can be demonstrated that there is no unacceptable impact on the environment or human health.”

6.2.2 The extension application site is located within the buffer zone of the existing quarry and the effect of granting permission would be to extend the buffer zone out to the west. The width of this zone is 200m and the designation of a new area would not encroach on any existing sensitive uses but would prevent such development from taking place. As that area would be outside the development limit of the town of Denbigh it is very unlikely that such uses would come forward for consideration.

6.2.3 It is considered that the adjustment/relocation of the buffer area to accommodate the extension complies with the requirements of the Policy due to the distance that is being maintained from existing sensitive (residential) uses coupled with the lack of impacts as described in Chapter 3 above. The extension is not, therefore in conflict with this Policy.

6.2.4 Policy PSE17 consists of four subsections, with sections ii and iv being relevant to the proposed development. Section ii) states:

“ii) Applications for the extraction of aggregate minerals will only be permitted where it is necessary to maintain stocks of permitted reserves having regard to the Regional Aggregate Working Party apportionment figures, or, where no figure exists, the demonstrated need of the industry concerned”

6.2.5 The policy is predicated upon the ‘maintenance’ of stocks of permitted reserves through planning applications for new sites, in anticipation of those reserves, existing at the time of adoption of the Plan, having been extracted. However, through economic circumstances those permitted reserves remain unworked but with a demonstrable level of demand. This Appeal seeks the ‘maintenance’ of the reserves that existed at the time of adoption of the Plan. The demand for permitted reserves is a changing quantum that is informed by the apportionment of the RTS2 which has been considered in Section 4 above.

6.2.6 In summary, analysis of the RTS2 identified a need for crushed rock resource within North Wales, particularly North East Wales with Flintshire demonstrated to have a significant shortfall which requires addressing across the plan period. Whilst the authority area of Flintshire are identified to have the shortfall, the three authorities of Denbighshire, Flintshire and Wrexham signed the Statement of Sub-Regional Collaboration (SSRC), which agreed that any shortfall within the three authorities would be addressed as a regional shortfall.

6.2.7 Therefore, sales from the quarry, combined with the aspirations for development in the Local Plan, and the identified shortfall within the RTS2 demonstrate an existing and future need for the products from the quarry. Preventing this longer term supply would reduce competition in the local/regional market which is not in the interests of the economic element of sustainability.

6.2.8 And at subsection iv):

“iv) Applications that accord with the above criteria will be permitted provided that all the following criteria are met:

a. An appropriate buffer is included, within which no mineral working or sensitive development will be allowed; and

b. Suitable access and transport routes are identified; and

- c. Final reinstatement of public rights of way should be close to their original alignment with intermediate reinstatements where possible; and*
- d. Noise is kept to an acceptable level; and*
- e. Measures to reduce the impact of dust, smoke and fumes are implemented; and*
- f. Suitable blasting controls are implemented; and*
- g. Impacts on groundwater and water supplies are found to be acceptable; and*
- h. An appropriate restoration scheme and after use is identified for the site”.*

6.2.9 Each of these subsections will be addressed in turn below, although it is noted that only a, d, e and f are disputed and form the basis of the reason for refusal.

6.2.10 **A.** - With regard to buffer zones, the extension is located within the buffer zone of the existing quarry and the effect of granting permission would be to extend the buffer zone out to the west. The width of this zone is 200m and the designation of a new area would not encroach on any existing sensitive uses but would prevent such development from taking place. As that area would be outside the development limit of the town of Denbigh it is very unlikely that such uses would come forward for consideration. It is considered that the adjustment/relocation of the buffer area to accommodate the extension complies with the requirements of the Policy due to the distance that is being maintained from existing sensitive (residential) uses coupled with the lack of impacts.

6.2.11 **B.** - The access routes for the mineral transportation will remain unchanged from that which has already been shown to be safe, practical and acceptable over many years of extraction.

6.2.12 **C.** – As agreed within the SoCG, 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.

6.2.13 There are a number of potential opportunities to improve / upgrade the path and wider access, which is agreed within the signed SoCG. These include:

- Provision of 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;
- Provide two benches along the route that would be gifted to Denbigh Town Council; and,
- 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.

6.2.14 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.

6.2.15 **D.** – Alasdair Baxter has produced a written statement of evidence in relation to noise amenity matters for the proposed development. I endorse the assessment undertaken by Mr Baxter and the conclusions which they draw.

6.2.16 As part of the original application submission, a noise and vibration assessment (**CD1.29 & CD1.30**) undertaken by Pleydell Smithyman Limited was submitted within the ES (**CD1.22**). The assessment found that noise from future operations would remain within derived limits at the receptors identified.

6.2.17 This submission was reviewed by the independent environmental consultant employed to assist Denbighshire County Council (Enzygo), who concluded that a more extensive baseline noise survey was required to verify background noise levels, and further information on the plant and machinery used onsite.

6.2.18 Following Enzygo's critical appraisal of the noise and vibration assessment, an additional noise assessment (**CD3.01**) prepared by SLR Consulting Limited was been submitted to Denbighshire County Council in response to the points raised. Enzygo accepted the assessment subject to the implementation of best practice noise control measures at the site throughout its working life. A planning condition was suggested with regards to a suitable noise limit and periodic noise monitoring.

- 6.2.19 Therefore, independent technical consultants on behalf of the LPA considered that potential noise impacts from the Appeal proposal are clearly capable of being dealt with by way of condition, which would enable the development to proceed.
- 6.2.20 **E.** – Malcolm Walton has produced a written statement of evidence in relation to dust amenity matters for the proposed development. I endorse the assessment undertaken by Mr Walton and the conclusions which they draw.
- 6.2.21 As part of the original application submission, an air quality assessment chapter (**CD1.27**) was contained in Volume 2 of the Environmental Statement undertaken by Temple. Following critical appraisal by Enzygo Environmental Consultants (on behalf of DCC), several comments were raised in relation to the air quality assessment; including, dispute as to the potential magnitude of the worst-case scenario, and choice of weather station for meteorological data.
- 6.2.22 Following this, SLR Consulting Ltd undertook a Minerals Dust Impact Assessment (**CD3.02**), for which Enzygo accepted the methodology and conclusions subject to best practice controls being attached to a permission via condition requiring an agreed dust management plan and monitoring strategy.
- 6.2.23 Therefore, independent technical consultants on behalf of the LPA considered that potential dust impacts from the Appeal proposal are clearly capable of being dealt with by way of condition, which would enable the development to proceed.
- 6.2.24 **F.** – Dr Robert Farnfield has produced a written statement of evidence in relation to blasting matters for the proposed development. I endorse the assessment undertaken by Dr Farnfield and the conclusions which they draw.
- 6.2.25 With regard to the existing blasting practices and approved conditions at Denbigh Quarry, a Blasting Impact Management Protocol was approved on the 8th December 2023 as part of Discharge of Condition Permission Ref: 01/2023/0239 for Planning Permission Ref: 1/2019/0757 (Condition 26), therefore the Council approximately 18 months ago considered the blasting controls were appropriate to manage and mitigate against the environmental impact of blasting on-site.
- 6.2.26 It is demonstrated within the blasting proof of evidence that all blasts recorded from February 2021 to May 2025 have been recorded at less than 6mm/s peak particle velocity, thus complying with Condition 27 of Permission Ref: 1/2019/0757. International Society of Explosives Engineers guidance recommends a limit of 133db(L) for Peak Air Overpressure resulting from blasts. The data, covering the same timeframe

as above, included within the proof of evidence demonstrates all blasts having complied with this guidance.

- 6.2.27 As part of the original application submission, a noise and vibration assessment (**CD1.29 & CD1.30**) has been undertaken to consider the potential for noise and vibration generated by the operations associated with the quarry development to give rise to impacts at the nearest sensitive receptors. In terms of blasting and vibration, the assessment found that significant effects from blast-induced vibration are unlikely. Enzygo assessed the submitted reports and concluded that the vibration assessment is adequate and accords with the MTAN1 guidance. No further information was therefore required.
- 6.2.28 **G.** – As part of the original application submission, a Hydrological & Hydrogeological Assessment (**CD1.28**) formed an appendix 7 of the ES.
- 6.2.29 As stated in the Committee Report (**CD5.02**), Natural Resources Wales (NRW) have no objections to the proposed development in respect of hydrology and hydrogeology. NRW note that the applicant has considered their concerns raised at the pre application stage and the Environmental Statement submitted with this application addresses some issues raised, and overall NRW are satisfied with the submitted information. Dewatering would not occur until the third phase of the working. During Phase 3, it is anticipated that there would be limited dewatering required, then by phase 4 it is anticipated that the site would be dewatering 100% of the time. A condition would be included to require detailed dewatering plans at each phase of the development.
- 6.2.30 Furthermore, dewatering would require an abstraction licence from NRW as either a transfer or full licence prior to dewatering commencing. Gaining planning permission will not guarantee that a Water Resource Licence for dewatering would be issued by NRW. At the licence application stage, NRW would require an updated Hydrogeological Impact Appraisal (HIA) and any monitoring completed at the site should be used to support the HIA. Therefore, should planning permission be granted, NRW would regulate the dewatering aspect of the proposal.
- 6.2.31 It is accepted that the proposed development will not impact hydrological pathways for either Crest Mawr and Graig Wood Site of Special Scientific Interest.
- 6.2.32 **H.** – It is agreed within the Statement of Common Ground that the submitted Restoration Scheme (**CD1.06**) is acceptable. The scheme include for the following:
- 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;
- 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.

6.2.33 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.

Policy Conclusion

6.2.34 The Appeal proposal has demonstrated that the operations could take place without causing unacceptable impacts on human health. This has been endorsed by the environmental consultant employed to assist Denbighshire County Council and Environmental and Public Health Service Wales. Furthermore, in respect to environmental impacts, all statutory consultees have been satisfied that the submitted scheme is appropriate subject to implementation of planning conditions.

6.2.35 Overall, it is demonstrated, both within this Statement of Evidence and within the supporting Written Evidence provided by technical experts, that the appeal development is policy compliant.

6.3 National Planning Policy & Guidance

Planning Policy Wales (Edition 12) (PPW12) February 2024 (CD6.06)

6.3.1 PPW12's primary objective is to ensure that the planning system contributes to the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. The grant of planning permission would have a positive social effect in terms of retaining employment for a considerable period and also a positive economic effect by increasing the quantity of a saleable item for which there is proven demand. The environmental effects are defined through the Environmental Statement which concludes that there are no impacts which, following mitigation, are considered to be significant. As described above there will be no cultural change as a consequence of the development proposals.

6.3.2 PPW12 includes five Key Planning Principles of which the most relevant to the current proposals are:

- Growing Our Economy in a Sustainable Manner;

- Making Best Use of Resources; and,
- Maximising Environmental Protection and Limiting Environmental Impact.

6.3.3 The Appeal proposal supports these principles on the basis that the development is a revenue generator that maintains employment and provides the basic building blocks for other industries to perform. Not only does the development provide needed primary resources it removes inert material from landfill up the waste hierarchy to 'recovery'. The limiting of environmental impact is demonstrated through the Environmental Statement and the commitment to undertake the recommended mitigation.

6.3.4 The provision of minerals, and meeting the needs of society are considered under Section 5.14 of PPW which recognises that *"Society needs, and will continue to need for the foreseeable future, a wide range of mineralsConstruction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure"*. The role of the MPA is described as well as the balance that has to be struck between impacts and benefits of the development.

6.3.5 Paragraph 5.14.42 explains that *"Mineral workings should not cause unacceptable adverse environmental or amenity impact"*.

6.3.6 At para 5.14.48, PPW12 states that the presence of an existing quarry should be a material consideration when considering a proposal for an extension. It is considered that there are benefits to extending the existing Denbigh Quarry, as opposed to developing a new greenfield site as there is existing on-site infrastructure such as the concrete batching plant located at the site and operated by the applicant. Should planning permission be refused, essential raw materials required to produce concrete, and operate the plant would need to be imported to the site.

Mineral Technical Advice Note 1 (MTAN 1): Aggregates (2004) (CD6.15)

6.3.7 MTAN 1 provides advice on the means by which the five key sustainable principles for minerals planning originally set out in Minerals Planning Policy Wales 2000 are to be delivered, and which are now enshrined in the wider sustainability requirements set out in PPW12.

6.3.8 The first of the key principles (A) is to provide aggregate resources in a sustainable way to meet society's needs for construction materials. Refusing the appeal proposal would not be consistent with this principle.

6.3.9 MTAN 1 also sets out detailed advice on the mechanisms for delivering the 'key principle' of reducing the impact of mineral extraction and related operations during

the period of mineral working. As set out above, the Appeal proposal has demonstrated that the operations could take place without causing unacceptable impacts on the environment or human health. This has been endorsed by the environmental consultant employed to assist Denbighshire County Council and Environmental and Public Health Service Wales.

Technical Advice Note 21 (TAN 21) Waste (2017) (CD6.12)

- 6.3.10 TAN 21 provides planning advice in respect of waste operations and waste policies for Wales. It is supported by a 'Waste Planning Practice Guide' which explains the technical background to different types of waste operation. TAN 21 requires the land use planning system, through plans and projects, to drive the management of waste up the waste hierarchy. Within the waste hierarchy the least sustainable option for inert waste is to send it to landfill. In this instance the proposal is for recovery, rather than landfill, which is defined as:

"Waste recovery is when your main aim is replacing a non-waste material you would have used in your operation with a waste material that performs the same function. That waste then serves a useful purpose as you're using fewer natural resources. For example, using crushed concrete and bricks to create a development platform for a building, in place of primary aggregates."

- 6.3.11 The guidance provides the suggestion that evidence of the following can be considered as 'recovery':

"For example, you operate a quarry and are required by planning conditions to restore it according to an approved plan."

- 6.3.12 If the importation of inert and soil-making materials were not allowed, even for the existing site, the approved restoration scheme would not be achievable without the sterilisation (non-working) of the consented mineral reserve and the importation of soils.

- 6.3.13 Paragraph 3.27 of TAN 21 states that waste management sites might be located, if appropriate, within or adjacent to, amongst other sites:

"active or worked out quarries – landfill is commonly used in quarry restoration but there may be opportunities for other types of waste management facilities at some quarried sites. It should be noted that quarry depth and the nature of the local water table will affect the feasibility of using such sites."

- 6.3.14 The appeal site is demonstrated to be an acceptable location for waste management, and is supported by the principles of TAN21.

Development Management Manual (CD6.07)

- 6.3.15 The reason for refusal makes reference to this document which is guidance to Local Planning Authorities on the Development Management procedure. The Council do not make reference to any specific area of the document, therefore no further consideration is provided to this document within my evidence.

6.4 Planning Policy Conclusions

- 6.4.1 The Council's SoC makes reference to amenity policies (PSE16 and PSE17) along with Minerals Technical Advice Notes (MTAN) and the provisions of Planning Policy Wales Edition 12 (it is noted that the Council incorrectly refer to section 5.15, which doesn't exist in Edition 12) to suggest that the development would, in some way be inappropriate. However, much of the Council's case appears to be heavily reliant on *"local lived experience from local residents to evidence how negative impacts from the existing quarrying affect the local community, and how they will be exasperated to an unacceptable level if the quarry is extended"*, with no consideration of technical evidence from experts.
- 6.4.2 As set out in consideration of subsection iv of Policy PSE17 above, all the usual 'pathways' through which amenity could be adversely impacted (noise, odour, dust, air quality, vibration, lighting etc) have been considered through technical evidence, and the proposal has not been shown as breaching any of the relevant guidelines. The nearest residential property is located over 250 metres from the proposed extended quarry boundary and therefore outside the recommended buffer-zone for hard rock quarries of 200 metres as stated within MTAN 1 (discussed below). In addition, the Appellant has agreed to reduce their annual output limit from 500,000 tonnes per annum as currently restricted by Condition No. 4 to 400,000 tonnes per annum, which is a 20% reduction on annual tonnage allowance.
- 6.4.3 A full Planning Balance consideration is provided below at section 8 of this statement.

7 Comments On Issues Raised By Other Interested Parties

- 7.1.1 I recognise that the Appeal has generated objections from local residents and other interested parties. All comments received have been reviewed and summarised into a number of main themes. Each of these are addressed in turn below.

Blasting / Vibration Impact

- 7.1.2 The majority of the concerns in relation to blasting activities within the proposed extension area relate to proximity to housing causing damage to properties, including claims that the extension area will be within 90m of residential properties.
- 7.1.3 Full detail on the assessment of blasting is contained within the vibration assessment (CD1.30) submitted as part of the original submission, paragraphs 6.2.24 to 6.2.27 above, as well as within the Blasting Statement of Evidence prepared by Dr Farnfield.
- 7.1.4 However, in summary, the nearest residential property is located over 250 metres from the proposed extended quarry boundary and therefore outside the recommended buffer-zone for hard rock quarries of 200 metres as stated within MTAN 1. The Blasting Statement of Evidence prepared by Mr Farnfield includes data from February 2021 through to May 2025 demonstrating the existing operations compliance with conditioned limits. The proposed development will continue to accord with limits applied through planning conditions, including for monitoring and management of blasting procedures.

Dust Impact

- 7.1.5 Concerns raised again relate to the distance between the proposed operations and the residential properties with regard to dust impacts and the effect of respiratory issues (such as silicosis).
- 7.1.6 I refer to the evidence presented in the submitted Dust Assessments at CD1.27 & CD3.02, my summary within paragraphs 6.2.20 to 6.2.23 and the Air Quality and Dust Statement of Evidence produced by Mr Walton.
- 7.1.7 In summary, the assessment work submitted throughout the determination of the planning application satisfied the Council appointed consultants Enzygo that *“the methodology and conclusions of the revised dust impact assessment are accepted. However this is subject to the implementation of best practice dust control measures throughout the site and with a particular focus on blasting operations. These measures*

should be provided by means of planning condition requiring an agreed dust management plan and monitoring strategy."

- 7.1.8 Mr Baxter, within his evidence, concludes that the proposed development can be undertaken acceptably subject to the implementation of best practice dust control measures throughout the site provided by means of a planning condition requiring an agreed dust management plan and monitoring strategy.

Noise Impact

- 7.1.9 As with blasting and dust impacts, the main concerns raised are in relation to the proximity of the proposed extension and residential properties.
- 7.1.10 I refer to the noise assessment work conducted in support of the planning application at Chapter 7 of the ES (**CD1.22**) and support by **CD1.29**, **CD1.30** & **CD3.01**, paragraphs 6.2.15 to 6.2.19 of my evidence and the Noise Statement of Evidence produced by Mr Baxter.
- 7.1.11 Following the submission of additional assessment work (**CD3.01**) in the determination period of the planning application, the Council appointed consultants Enzygo had no objections to the proposed development subject to the implementation of best practice measures throughout the working life of the quarry and suitable planning conditions.
- 7.1.12 Mr Walton, within his evidence, concludes that the proposed development can be undertaken acceptably subject to the implementation of best practice noise control measures throughout the site provided by means of a planning condition requiring an agreed noise management plan and monitoring strategy.

Ecology / Agricultural Impact

- 7.1.13 Concerns regarding ecology and agricultural impact include the loss of species rich habitat and animal habitat, as well as the loss of best and most versatile agricultural land. Additionally concerns regarding impact to the SSSI and mature woodland were raised within the interested party comments.
- 7.1.14 Firstly, with regard to the best and most versatile land, a Soil Assessment (**CD1.31**) was submitted in support of the planning application, including for mitigation and best practice measures. It is noted that in their response, the Welsh Government Agricultural Land Use & Soil Policy Advisor had no objections to the proposed development.

7.1.15 In relation to ecological impacts raised, the planning application was supported by a Preliminary Ecological Appraisal and Ecological Impact Assessment informed by a number of individual surveys and protected species reports; including for Bats, Breeding Birds, Dormouse, Great Crested Newts. These can be found at **CD1.26**.

7.1.16 Natural Resource Wales are satisfied that the proposed development can be undertaken acceptably subject to the submission of updated surveys prior to commencement of each phase. This is to be secured by condition.

Impact to Community / Mental Health

7.1.17 Comments raised by the interested parties include impact to quality of life from the extension operations and loss of green space for walking / public rights of way.

7.1.18 There will be no loss to public rights of way as a result of the proposed development, as Footpath 508/6 will be diverted from its existing path to a new route which will in effect double the length of the right of way. This will be done without creating 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.

7.1.19 I refer to paragraphs 6.24 and 6.25 of the Statement of Common Ground which details the benefits of the diverted route, as well as the provision of an additional permissive route.

Impact from HGV Traffic

7.1.20 Comments raised regard impact to local road network both congestion and wear on the roads.

7.1.21 The Appellant has agreed to reduce their annual output limit from 500,000 tonnes per annum as currently restricted by Condition No. 4 of the extant planning permission for the site to 400,000 tonnes per annum, which is a 20% reduction on annual tonnage allowance. This is to be enforced through planning condition. In addition, there is to be a limit of 100,000 tpa of imported inert materials applied to the site. Combined this will not result in an increase to existing movements associated with the quarry.

7.1.22 Denbighshire Highways Officer has reviewed the proposals and has no objection to the proposed development.

Impact on Climate Change

7.1.23 Some comments reference to climate change, and that the blasting operations will release carbon into the atmosphere. It is noted that no concerns have been raised by the Council throughout the determination period of the planning application, or subsequently with regard to climate impacts.

7.1.24 The proposed development includes for mitigation measures and proposed planning conditions to limit potential impact of all environmental consideration to acceptable levels. The proposed development is therefore not assessed to result in unacceptable impact to climate change.

Increased Flood Risk

7.1.25 Few comments raised concerns of increased flood risk as a result of removal of trees and soil.

7.1.26 A full Hydrological and Hydrogeological Impact Assessment (**CD1.28**) was submitted in support of the planning application. This included for a flood risk assessment, concluding that the proposed development scheme will not result in significant impacts to flood risk. Furthermore, National Resource Wales and Welsh Water have not raised concerns in relation to Flood Risk.

Impact to Heritage

7.1.27 A small number of interested party comments stated that the continued quarrying would result in negatively impacting the heritage of the town. CADW assessed the proposed development and concurred with the findings of the submitted Heritage Statement (**CD1.24**) in that the proposed mitigation measures would be effective in mitigating the impacts of the scheme, and there would be no residual effects upon the known cultural heritage assets.

8 Planning Balance and Conclusions

8.1.1 In this Section I set out my consideration of the planning balance and in so doing, I pose the following questions:

1. Do the proposals accord with the Development Plan?
2. Is there any detrimental effect on residential amenity?
3. Is there a need for the proposed development with particular regard to the position for crushed rock within Denbighshire and the wider North East Wales region and the need for inert waste disposal?
4. Are there any other benefits to the proposal?

8.1.2 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.

8.1.3 PPW12 recognises that mineral extraction can only take place where the mineral is found to occur; it is transitional even though operations may occur over a long period of time; and any adverse effects on local amenity and the environment need to be mitigated to 'acceptable limits' and 'acceptable standard' (para 5.14.42). A similar test is set out in the development plan with the requirement to demonstrate 'that there is no unacceptable impact on the environment or human health' (Policy PSE16) and 'Noise is kept to an acceptable level; and Measures to reduce the impact of dust, smoke and fumes are implemented; and Suitable blasting controls are implemented' (Policy PSE17).

8.1.4 The language of the development plan and PPW12 recognise that it is unlikely that the environmental effects of mineral extraction can be fully eliminated, and the requirement is thus to mitigate the environmental impacts of mineral extraction and to 'carefully control and monitor' effects (PPW12 para 5.14.42).

8.1.5 The potential amenity and environmental effects have been considered in detail in the ES which accompanied the planning application and has demonstrated that the operations could take place without causing unacceptable impacts on the environment

or human health. This has been endorsed by the environmental consultant employed to assist Denbighshire County Council and Environmental and Public Health Service Wales.

- 8.1.6 The amenity impacts for which are the area of dispute in this appeal, namely noise, air quality and dust and blasting (vibration) have been considered further in the respective written statements of evidence produced by Mr Baxter, Mr Walton and Dr Farnfield.
- 8.1.7 The noise assessment submitted as part of the original planning application, and subsequent work undertaken as part of the Regulation 24 submission, was accepted by the Council's appointed consultants (Enzygo) to be acceptable. Suitable planning conditions, including for noise limits and periodic noise monitoring were suggested, which ensure the proposed development can be undertaken acceptably.
- 8.1.8 Likewise in relation to dust amenity, the air quality assessment, and subsequent Regulation 24 submission, were accepted by (Enzygo) subject to appropriately worded condition.
- 8.1.9 Finally, in relation to Blasting (Vibration), a Blasting Impact Management Protocol was approved on the 8th December 2023 as part of Discharge of Condition Permission Ref: 01/2023/0239 for Planning Permission Ref: 1/2019/0757 (Condition 26). The Council therefore accepted 18 months ago that the blasting controls at Denbigh Quarry were sufficient for mitigating impact. Furthermore, Enzygo assessed the submitted reports and concluded that the vibration assessment is adequate and accords with the MTAN1 guidance. No further information was therefore required. Data provided within Dr Farnfield's evidence from February 2021 to May 2025 demonstrates total compliance with conditioned limits of impact from the mineral extraction operations onsite.
- 8.1.10 In terms of ecology and the conservation of designated sites, as set out above, the 30m standoff between the Crest Mawr SSSI and the operations also reduce the impacts that would be experienced by this feature as a consequence of noise, dust and surface water drawdown impacts. NRW and the Council's Ecologist consider that the proposed development is not likely to damage the special interesting features of Crest Mawr Wood and Graig Quarry SSSIs. Further, it is accepted that the proposed development will not impact hydrological pathways for either Crest Mawr and Graig Wood Site of Special Scientific Interest.
- 8.1.11 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.

8.1.12 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.

8.1.13 I therefore give slight weight to any potential amenity or environmental harms.

8.1.14 Finally, there are factors weighing in favour of the Appeal Scheme.

8.1.15 Notwithstanding this conclusion on the way in which environmental effects can be 'carefully controlled', planning policy requires that the determination of a planning application needs to consider wider issues as part of an overall planning balance. Uppermost in this is the acknowledged need set out in PPW12 to provide mineral resources to meet society's needs and to maintain a steady and adequate supply of minerals' (para 5.14.1).

8.1.16 PPW12 also requires Planning Authorities to 'provide positively for the working of mineral resources' (para 5.14.2), and 'each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals which reflects the nature and extent of resources in the area' (ref para 5.14.10).

8.1.17 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.

8.1.18 The underlying requirement of the development plan and PPW12 is to ensure that a proper balance is struck between the need for minerals and the protection of existing amenity and the environment. In this case, the need for the mineral is recognised and acknowledged at both a regional and local level.

8.1.19 I therefore attached significant weight to the benefits of the Appeal Scheme to meet

an identified mineral need.

8.1.20 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.

8.1.21 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.

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

8.1.23 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. As set out in the committee report:

“NRW and the Council’s Ecologist have considered the information submitted in support of the above application and the Environmental Statement. Based on the information submitted, it is considered that the proposed development is not likely to damage the special interesting features of Crest Mawr Wood and Graig Quarry SSSI.”

8.1.24 The Restoration Scheme, for which is agreed with the Council in Statement of Common Ground to be acceptable, includes for:

- 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;
- 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.

8.1.25 I attach significant weight to the biodiversity benefits of the proposed development.

8.1.26 Having regard to employment, as confirmed within the Committee Report, Denbigh Quarry directly employs seven members of staff and two contractors. There are three further staff employed in the concrete batching plant onsite owned and operated by the Appellant. Furthermore, there are some 20 hauliers who are indirectly affected by the quarrying at the site. Granting of permission retains existing employment for a further 25 years, with benefits to indirect employment across the same timeframe. Contribution to the local economy from the quarry across this time would also typically involve the purchase of local services such as:

- Site staff and employees;
- Road haulage;
- Fuel and oil purchase;
- Plant and vehicle hire;
- Plant repairs and spares;
- Building contractors;
- Landscape contractors;
- Tree and shrub purchase
- Office supplies and equipment; and,
- Canteen supplies.

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

8.1.28 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).

8.1.29 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.

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

1. Great weight is to be given to the benefits of mineral development;
2. 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;
3. 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;
4. 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;
5. The Appeal Scheme will result in biodiversity benefit; and,
6. The site is a demonstrable sustainable location for minerals and waste development.

8.1.31 On this basis, I respectfully invite the Inspector to allow the appeal.