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Appeal Ref No: CAS-03423-V9Z8M3

Site: Denbigh Quarry, Plas Chambres Road, Denbigh LL16 5US

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

Appellant: Chris Burgess

Representing: Invited Party SOGS Dinbych, opposing the Quarry extension

Written evidence: **The Well-being and Future Generations (Wales) Act 2015**

My Personal Background:

- I was born in Denbigh and my family home looks up onto the Crest Fields and Quarry. I returned to care full time for my elderly parents and have lived back in Denbigh since 2005.
- BA in History (Aberystwyth University) and Certificate Qualification in Social Work (Manchester University).
- Worked in Social Work profession from 1982 – 2002.
- Senior Policy Officer at Children's Commissioner for Wales (2002 – 2008)
- Established a Social Enterprise to support carers in Denbigh (2010 – 2018)
- Employed as a Facilitator by Development Trust Association Wales to support communities and community groups who are the least represented and most disadvantaged in taking action on the climate crisis.

My involvement with the site

I walked the fields regularly as a child and it became a ritual for my Dad and I to walk up to the Crest every Christmas holiday. My community have reams of similar stories to share. My Dad was a County Councillor for 40 years for Upper Denbigh, the area nearest the Quarry.

My respite time as a carer was walking up to the Crest fields and woods, enjoying the magnificent views, losing myself and my worries in its fields.

I became a member of the Civic Society which, in the 1980's, organised the planting of the trees and shrubs, which now act as an established nature corridor between the two SSSIs, Crest Mawr Woods and Graig Quarry.

Once I realised that the Appellant was reneging on their promise to restore the Quarry by 2028 and instead intending to destroy even more of our green space, bringing their operations closer to my community, I knew I had to act. I was at the inaugural meeting of SOGS Dinbych in 2021

Declaration

The evidence that I submit here is true and draws on my own experience and of those around me.

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Scope of evidence

I am writing in support of Reason for Refusal 3: that the proposed lateral extension to the quarry would negatively impact amenity and the well-being of local residents, and that a decision to allow it by Welsh Government, would be a failure to act, as required by legislation, in accordance with *the Sustainable Development Principle set out in the Well-being of Future Generations (Wales) Act 2015*.

The Well-being of Future Generations (Wales) Act (2015)

1.1 I wish to emphasise the requirements of the Act, including the Sustainable Development Principle, seven National Goals and Five Ways of Working that are its core components.

1.2 The seven Goals are enshrined in Law. The legislation requires all public bodies named in the legislation, including the Welsh Government itself, and itself and its executive agencies, to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

1.3 The Wellbeing of Future Generations (Wales) Act 2015 establishes a legal framework for sustainable development, requiring public authorities and decision-makers to think long-term and act in the best interests of future generations. Its core principles include:

- Sustainable development, ensuring economic, social, and environmental well-being now and in the future.
- Resilience, protecting and enhancing natural resources, landscapes, and ecological systems.

- Community involvement, giving local people a real voice in decisions affecting their environment.
- Intergenerational equity, balancing present needs with the rights and needs of future generations.

1.4 The Planning and Environmental Decisions Wales are bound by the Act.

1.5 Sustainable Development is at the core of the Act and is incorporated in *Planning Policy Wales* Edition 12 February 2024, which **applies** to all parties in development, including organisations not directly bound by the Act:

1.6 The Inquiry will hear various representations from the Appellant that Planning Policy Wales policy documents takes precedent as it is more recent; however, the WFGA is an ACT and the Inspector must have regard to it at all times.

1.7 To reinforce this reality, **Planning Policy Wales (Edition 12, 2024)** which directly reflects the requirements of the Well-being of Future Generations (Wales) Act 2015, says:
“The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, in line with the vision set out in the Well-being of Future Generations (Wales) Act.”
PPW 12, para 1.3.1

“Placemaking is central to achieving this vision. Planning authorities and developers should pursue high-quality placemaking as an essential part of delivering the seven well-being goals and applying the five ways of working (long-term, integration, involvement, collaboration and prevention).”
PPW 12, para 2.4.2

1.8 The above quote, explicitly links PPW to the Act’s seven well-being goals, it highlights ‘placemaking’ as a central concept that helps translate the Act’s goals into practical planning decisions and shows that the PPW has been updated not only to reference the Act but to actively ‘deliver’ on its vision.

Sustainable development

- 2.1 Sustainable development is generally defined as ensuring economic, social, environmental and cultural well-being now and in the future.
- 2.2 The crucial vehicle for this process at Local Authority level is the Local Development Plan, which should seek to balance economic, social, cultural and environmental needs.
- 2.3 If consideration is given to the current LDP, this Appeal should not be allowed as the Quarry Extension is planned on an ‘unallocated site’ in open countryside.
- 2.4 It is also my understanding from having been present at various DCC Planning Committee meetings that it is the opinion of the Local Planning Authority that the Appellant’s plans for the extension of the Quarry and restoration by inert waste material, are not justified.

- 2.5 The proposal can be considered contrary to the 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).

What does sustainable development mean to us in our community in Denbigh?

- 3.1 What does sustainable development mean to us in our community in Denbigh? The town suffered a colossal impact on the closure of the North Wales Hospital when no economic strategy was put in place to deal with the extensive loss of employment.
- 3.2 I know my community well. My sister and I managed our own social enterprise business. In addition to the bustling industrial estate, our unique Town is starting to show green roots of recovery and a renewed faith in its economic and social future.
- 3.3 Within Denbigh itself, there is a sense that Denbigh with all its quirky, interesting small businesses, is developing into a 'destination'.
- 3.4 Various new businesses have been established including Copper Pot café, Dominoes, Bonnie & Co. and a couple of shops have expanded into larger premises. Y Ty Gwyrdd, (<https://www.ytygwyrdd.cymru/>) a community interest company is a driving force in promoting sustainable living within Denbigh and the surrounding villages.
3. The Vale Street kitchen, (<https://www.valestreetkitchen.co.uk/>) is a relatively new business owned by two local young men. In a recent conversation with one, he shared that he could not comprehend how the Quarry Extension with its increased noise, dust and traumatic blasts, could encourage more visitors to our Town.
- 3.6 Denbigh has numerous community interest companies that are developing because of the Town's unique characteristics and its tight sense of community. Various Community/ Climate Assemblies have been held and one of them led directly to the establishment of Bwyd Cymunedol Dinbych Community, supporting people from Denbigh to grow, eat and share local food. A Farmer's Market on the industrial estate, sourcing all kinds of local produce, is clearly going to outgrow its premises soon, reflecting on its popularity.

Employment

- 4.1 The Appellant will state that refusing this extension will negatively impact the economy of the Town. To present a picture of the negative economic impacts of the Quarry, please consider carefully the various researched submissions and written evidence by Dr Sharon Griffiths, Technical / General Manager of Telsol Ltd, Trading as Bimeda.

Need for minerals

- 5.1 Paragraph 5.14.1 of PPW identifies that "society needs and will continue to need for the foreseeable future, a wide range of minerals".
- 5.2 In the dramatically changing world responding to the Climate Change Crisis, quarrying companies are increasingly aware, due to public and Government pressure, for the need to develop their business, based on advancements in sustainable construction and manufacturing, that reduce reliance on virgin minerals.

- 5.3 There are correctly increasing demands from Welsh Government on Local Planning Authorities to meet mineral demands through recycling, reuse, and alternative materials.
- 5.4 ***Please read in this context, the Interested Party written evidence provided by local resident and SOGS Dinbych member, Mr Stephen Lloyd*** on lack of justification for the extension to the quarry due to the quantity of extractable limestone remaining. He presents photographs that show recoverable stone remains in situ. This undermines the very foundation of the Appellant's case.
- 5.5 While the need for minerals is often cited as a justification for quarry extensions, this argument overlooks the long-term impacts on the environment and community wellbeing, as outlined in the Well-being of Future Generations Act

Green Infrastructure and community well-being.

- 6.1 In recent years, we as a community have lost a considerable number of the green spaces surrounding our community, to various housing developments.
- 6.2 The Inspector will realise from all the submissions received, that this Crest green space is cherished by the community. It contains habitat that is irreplaceable to us, ***please refer to Julian Morris' written submission; The replacement of irreversible habitat (trees)***.
- 6.3 We and generations before us, have walked these ancient public footpaths and we do not want to be held accountable for not preserving them for our children and grandchildren, ***please refer to Dr Sue Hewitt's written submission, Impact on Amenity of Access to Green Spaces***.
- 6.4 Research from Denbighshire County Council Planning Team, states that access to green space within the Town for young people is insufficient, Denbighshire Local Development Plan: Open Space Assessment and Audit (2017)
- 6.5 So many young people access the Crest Fields from the Bryn Seion, Bryn Onnen estates as well as on the public footpath from Bakers Well Lane. I recently spoke to three young people who were happily walking up to the upper Crest fields. They knew nothing about the Quarry Extension and were horrified to learn that 'their special place' could be destroyed.

Consultation

- 7.1 One of the statutory expectations of the WFGA is genuine, community involvement, giving local people a voice in decisions affecting their environment.
- 7.2 I have extensive professional experience in the field of participation of children and families in matters which affect them.
- 7.3 Despite the warm encouragement and talk of 'importance of place' in Welsh Planning Law and Guidance, it is nearly impossible for communities like ourselves, to have a voice about what matters to us as regards importance of 'places' such as the Crest Fields.
- 7.4 If this opportunity had been given to us, it would have captured our community's aspirations for the land. The possibility of establishing a Community Interest Company

to buy the upper Crest fields from the current owner and manage its biodiversity in a sustainable manner and establish community growing schemes and forest education.

- 7.5 We would be clear in our wish to revitalise the economy in Denbigh, rather than polluting the atmosphere and imposing a landfill site. We would at long last have the Quarry site restored as is obliged by the Appellant. In other areas of Wales, old quarries have been transformed into places which enhance the local economy with job opportunities in adventure holidays, ziplines, cycling tracks whilst also encouraging sustainable tourism. The development of Cwmni Bro Cymunedol Ffestiniog is a good illustration of what can be achieved. (see Appendix 1)
- 7.6 In my previous submissions, I have referred to the haphazard and inconsistent manner in which the Appellant has distributed information about the proposed extension. Its community consultation regarding the Quarry has been very poor.
- 7.7 I am particularly concerned about the large number of elderly residents and young families living in close proximity to the Quarry currently, who have not been consulted about this Extension, a concern I am sure, to both the Children and the Older People's Commissioners.
- 7.8 We as a community Group, SOGS Dinbych, have heard numerous complaints about the blasting at the Quarry and dissatisfaction with how both the Appellant and DCC deal with community complaints.
- 7.9 Mrs Yvonne Lloyd, community representative on the Quarry Liaison Committee, has spent considerable time, listening to the grievance of a local resident who believes he has **not** been given an adequate response to his various letters of complaints, since January 2025, about the impact of the blasting on himself, his home and those of his neighbours. He has described his utter frustration with the fact that he has not received any responses from the Appellant. and an unsatisfactory one from DCC. (see Appendix 2: Resident's correspondence with the Appellant and DCC).
- 8.0 Mrs Lloyd rightly took up the complaint at the Liaison Committee where she raised these concerns at meetings in September 2024 and June 2025. The Appellant's representative, Ms Maria Cotton, was, in Mrs Lloyd's opinion, dismissive of these representations. Her answer to one attempt to gain redress for the resident was to explain that the matter was in the hands of the company's lawyers.
- 8.1 It was acknowledged by Local Councillor, Mr Mark Young, that there is a lack of clarity between DCC and the Appellant about who is responsible for complaints regarding the Quarry operations; a staggering admission when it is considered how much the quarrying negatively affects local people in terms of dust, noise and air quality.
- 8.2 Our community has no faith in the Appellants fitness to operate the quarry in a responsible manner. Evidence has been presented to the Inspector of the Appellant operating outside its existing Planning Conditions, in relations to dust suppression measure. (see Proof of Evidence on Air Quality from Dr. *Charles Allan McCoy*).

Emerging legislation

- 9.0 PPW 12 confirms that draft or emerging national policy (including legislation) can be a material consideration in development decisions.
- 9.1 Policy Wales makes it clear that Inspectors and PEDW (Planning and Environment Decisions Wales) must weigh material considerations (including emerging policy).

- 9.2 On 4 June 2025 the Senedd debated a mandatory 1 km buffer between quarries and sensitive locations (homes, schools, hospitals). It was a passionate and emotionally charged discussion, reflecting deep community concern. There was genuine sympathy from across party lines and a call for action on behalf of various communities across Wales, including our own. (see Appendix 3 for transcript).
- 9.3 The Petitions Committee will review evidence from the debate and petitioners and will likely recommend strengthening Minerals Technical Advice Note 1 and updating PPW to reflect better community protections.

CONCLUSIONS

- 10.1 It is my considered and respectful opinion and that of the SOGS Dinbych Invited Party that this Appeal must be dismissed. The evidence presented by the Local Planning Authority, independent technical experts and ourselves as SOGS community 'experts' has revealed deep and unresolved flaws in the Appellant's proposals.
- 10.2 **The policy conflict is clear.** The application is fundamentally contrary to the Local Development Plan and national Planning Policy, particularly policies VOE1, VOE5, PSE16 and PSE 17. The Quarry extension would:
- Damage sites of special scientific interest.
 - Undermine protected habitats.
 - Extend industrial activity into unallocated open countryside without sufficient need or justification. (see Mr Stephen Lloyd's written statement on Lack of Need for Aggregate
 - No amount of post-development restoration, feasible or not, can justify these harms.
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- 10.3 **Restoration plan is inadequate and misleading.** Of all the issues we have raised this issue is possibly the most troubling.
- The hydrological evidence shows a substantial restoration lake, covering tens on thousands of square meters and several meters deep, yet this is barely acknowledged in the restoration plan. We are presented instead with an arbitrary and misleading picture of calcareous grassland where in fact water will stand.
 - The evidence in is crystal clear, (see Mr Steve Pearce's written statement). 'The provision of inert fill') the risks of flooding, groundwater impacts, failure to complete or carry out the resoration, and public safety have not been properly addresses
- 10.4 **Environmental harm is unacceptable.** Protected species such as deer, bats, dormice and peregrine falcons will suffer. (see Mrs Susanne Clayton's written statement, Impact on biodiversity, nature and the environment.)
- 10.5 The biodiversity calculations rely on restoration outcomes that the Appellant cannot credibly deliver.
- 10.6 **Community impacts are severe:** Residents already experience noise and dust from the blasting of existing Quarry and the proposed extension would bring quarrying to within 70 to 100 meters of homes, a wholly unacceptable intrusion into the amenity and well being of the community. In an area already facing social and economic deprivation, where access to greenspace is limited, this proposal removes a vital local resource.
- 10.7 There is no trust, within this community, in the Appellant's statements of mitigation.

The Environmental (Wales) Act and the Well-being of Future Generations Act require us not to merely balance these harms and impacts but to actively enhance biodiversity and ecosystem resilience.

This Appeal proposal by the Appellant falls well short, it should be dismissed.

The Inspector has an opportunity to take account of current policy developments and the increasing emphasis on community protection, as reflected by updating guidance, by dismissing the Appellant's appeal.