

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

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (WALES) ORDER 2012**

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 78 APPEAL**

**BREEDON DENBIGH QUARRY, PLAS CHAMBRES ROAD, LL16 5US**

**CAS-03423-V9Z8M3**

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**OPENING SUBMISSIONS FOR SOGS DINBYCH**

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1. SOGS Dinbych (“SOGS”) are an Invited Party to this appeal hearing into an application made by Chris Burgess for planning permission for the consolidation of an extension of winning and working limestone, the importation of inert restoration material and restoration to amenity (*sic.*)<sup>1</sup> (“the Proposed Development”).
2. SOGS recognise that minerals can only be worked where they are found, but the proximity of this quarry to the people of Denbigh, and the environmental concerns the quarry gives rise to are well-founded and ought to justify the refusal of planning permission on this Site.
3. SOGS have a membership of some 1086 members;<sup>2</sup> concerned about the Proposed Development. The extension is situated on land that is well-used by local people. They have submitted evidence on how these concerns manifest in a number of ways:

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<sup>1</sup> PEDW’s website notes the difference between the decision notice and the application form; SOGS understand that there has been no formal agreement between the Appellant and the Council changes to the description.

<sup>2</sup> This is the figure from the closed facebook campaign,

- a. Dr Sue Hewitt's<sup>3</sup> evidence is that the Proposed Development would negatively impact this amenity land and green space on the north side of Denbigh, an area regularly used by local people, which traces historic routes. The removal of this green space for local people will have negative environmental consequences. This is in the context of an area where there is a clear deficiency of green spaces, particularly for children.
- b. Julian A. Morris, a Chartered Arboriculturalist explains that the important features of the area of the Crest Mawr and Graig Quarry SSSIs extend beyond the boundary of the SSSI and into the surrounding woodlands and landscapes, providing important linkages to the habitat beyond. Moreover, the Proposed Development would sever these links and would remove (i) irreplaceable and veteran trees on an old woodland site (ii) over 0.5ha of regenerating semi-natural woodland, which has inherited or rejuvenated some ancient woodland characteristics (iii) over 0.25ha of hedgerow and tree belt connecting woodlands to an ancient woodland to the north. This is clearly contrary to PPW.
- c. Ms Susanne Clayton writes about the impact of the quarry on rare and endangered species, including the negative impacts that this will have on the habitat corridors and ecological networks. She critiques the survey methods used and the mitigation measures proposed.
- d. The ability to successfully achieve the restoration plan as detailed in the application is doubted by Mr Steven Pearce – and that is required to achieve the stated amenity objectives (noting the application title specifically states

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<sup>3</sup> See page 149 of PPW which explains that they must be safeguarded. Such sites form the heart of resilient ecological networks and their role and the ecosystem services they provide must be protected, maintained and enhanced and safeguarded from development. It will be wholly exceptional for development to be justifiable in such instances. See also §6.4.43.

*“restoration to amenity”*). There is a lack of clarity regarding the imported material, including its source, nature (specification) and whether sufficient quantities would be physically or economically available (1.7 million tonnes) over the required time frame. No detailed schedule has been produced identifying sources of that material or even rough estimates of volumes that may be produced by viable local sources; that is particularly concerning in the context of this quarry being estimated to take up to 30% of the entire annual volume of available inert waste produced in the whole of North Wales.<sup>4</sup> Further, this is compounded by the observation that potential sources of material are easily identified are not credible. Mr Pearce explains how Inspectors have found this to be of concern (and material) in other cases. The risk that there is insufficient material to restore to meet amenity objectives and the negative social and environmental consequences which flow from that would weigh against the scheme. That concern is particularly acute in Wales, where there are sufficient examples of such failures related to restoration, so much that the Welsh Government recently commissioned in 2024 a document produced by the Climate Change, Environment, and Infrastructure Committee.

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4. In accordance with the Inspector’s Pre-Inquiry Note, these hearing sessions will focus on the critical issues of air quality/dust, noise and blasting. Two specialist witnesses will be called by SOGS:

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<sup>4</sup> See §5.2 of his Proof.

- a. Mr Kieran Laxen of Kalaco will explain how there are fundamental omissions in the assessment work undertaken by the Appellant, including in respect of the area assessed for dust/air quality emissions. He will explain the flaws in the assumptions relating to the weather and the inadequacy of the consideration of climate change. The operator is currently not acting in accordance with good practice standards. All of these are reasons why the assessment work is not robust or reliable.
  - b. Dr Charles Allan McCoy, who explains the general health impacts for communities living near quarries, explains how the modelled limit for PM2.5 is over twice the WHO limit. In addition, he will explain how the residential human receptors are less than 200m from the boundary (contrary to the relevant policy documents). He explains that best practice principles have not been followed, and there has been a lack of consideration for the health impacts of the proposal, despite this being an important consideration required by national policy<sup>5</sup>.
5. Finally, SOGS will also draw attention to the planning balance and how this should be balanced against the scheme. Mair Jones provides written evidence on policy conflict (with VOE1, VOE 5, PSE 16 and PSE 17). The Proposed Development would damage SSSIs, undermine protected habitats, and extend mineral activity into unallocated open countryside, without sound justification. She draws the material considerations together to conclude that the scheme would result in the undermining of the well-being goals in the Wellbeing of Future Generations Act 2015 (“the WFGA”). The need for the mineral is clearly outweighed by other

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<sup>5</sup> MTAN 1, §75.

material considerations. Accordingly, and in due course, the Inspector will be invited to conclude that planning permission for the Proposed Development ought to be refused.

**5 August 2025.**

**Sioned Davies**

**No5 Chambers**

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