FLINTSHIRE COUNTY COUNCIL

REPORT TO:	**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**
DATE:	**15TH JANUARY 2013**
REPORT BY:	**HEAD OF PLANNING**
SUBJECT:	**RESTORATION OF CAMBRIAN QUARRY BY THE IMPORTATION AND RECYCLING OF INERT MATERIALS AT CAMBRIAN QUARRY, GLYNDWR ROAD, GWERNYMYNYDD, MOLD, FLINTSHIRE, CH7 5LW**
APPLICATION NUMBER:	**050695**
APPLICANT:	**ASH RESOURCE MANAGEMENT (CAMBRIAN QUARRY) LIMITED, VALEWAY LIMITED AND JENNINGS BUILDING AND CIVIL ENGINEERING LIMITED**
SITE:	**CAMBRIAN QUARRY, GLYNDŴR ROAD, GWERNYMYNYDD**
APPLICATION VALID DATE:	**8 APRIL 2013**
LOCAL MEMBERS:	**COUNCILLOR NANCY MATTHEWS**
TOWN/COMMUNITY COUNCIL:	**GWERNYMYNYDD COMMUNITY COUNCIL**
REASON FOR COMMITTEE:	**THE SITE IS OVER 2 HECTARES IN SIZE, IS EIA DEVELOPMENT AND REQUIRES A SECTION 106 AGREEMENT**
SITE VISIT:	**YES - LOCAL MEMBER REQUESTED**

1.00 SUMMARY

1.01 The proposal relates to Cambrian Quarry, an inactive limestone quarry in the village of Gwernymynydd, near Mold. This application involves the importation of inert waste materials for use in the restoration of Cambrian Quarry in order to make the quarry faces

stable and safe. The restoration would create a shallow valley landform that would be subsequently used for agriculture and nature conservation once restored. The application also involves the recycling of inert waste materials which would be exported off-site for reuse elsewhere. Access to the site would be facilitated by the construction of a new internal access road, the widening of Glyndŵr Road and the removal and restoration of the existing quarry access. Once the site has been restored, the proposal includes a 15 year extended management period. All previous planning consents would also be relinquished should planning permission be granted.

1.02 The main issues relate to the impact on the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and landscape, the impact of the proposals on the Cambrian Quarry Site of Special Scientific Interest (SSSI), which is an important habitat for European Protected Species and other nature conservation issues, the principle and need for the restoration of the quarry by the importation of inert material, the principle and need of recycling operations to be located within the quarry, the impact on residential amenity, and the impact on the highway and access road.

2.00 <u>RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-</u>

2.01 The applicant entering into a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to:-

- surrender the old mineral and waste planning permissions
- 15 year management post restoration as set out in the outline management plan with periodic review
- Control of operations within the quarry but outside of the application site in terms of hours of operation and no artificial lighting for activities not related to the application

2.02 Conditions to include

1. Commencement
2. Approved Plans
3. 10 year time limited permission

Pre-commencement conditions

4. Detailed Access road design
5. Details of the design, materials and construction of the retaining wall along Glyndŵr Road
6. Details of the design, materials and construction of the stone wall
7. A scheme for the widening of Glyndŵr Road and the proposed boundary wall adjacent to Glyndŵr Road which shall be subject of a Section 278 agreement of the Agreement under the 1980 Highways Act
8. A scheme for the details design and construction of the internal access road

9. The existing quarry access to be closed and the highway reinstated once the new access is in use leaving a passing bay which shall be subject of a Section 278 agreement under the 1980 Highway Act.
10. Visibility splays maintained
11. Inward opening gates
12. Surface water drainage
13. Drainage conditions
14. Foul and surface water discharge conditions
15. Prevention of surface water on to the highway
16. Tree survey to establish what vegetation can be retained
17. Scheme for root protection zones and protection
18. Bat mitigation and reasonable avoidance measures
19. Replacement bat habitat
20. Mine entrance protection details
21. Newt mitigation and reasonable avoidance measures
22. Nature conservation mitigation
23. Badger monitoring
24. Pre-fill geodiversity survey to record the features of the RIG
25. Biosecurity risk assessment
26. Liaison committee scheme
27. Amended outline management plan to include Geodiversity and any changes
28. Detailed management plan of retained habitat
29. Ecological/ geological audit
30. Advanced planting/landscaping and detailed scheme
31. Planting aftercare
32. Bund construction
33. Soil profiles

Operational conditions

34. Plans to be kept on site
35. Hours of operation
36. HGV limits no more than 75 vehicles per day
37. HGV speed limit
38. Wheelwash/controls to stop mud/debris on the highway
39. No fixed or mobile artificial lighting
40. Stockpile heights no more than 5 metres
41. Noise limits
42. Noise mitigation
43. Noise monitoring
44. Dust mitigation
45. Vibration monitoring
46. Removal of mobile plant at appropriate time
47. Implementation of biosecurity risk assessment
48. Annual topographical surveys
49. Annual monitoring of restoration and aftercare/management
50. Annual management meeting initially frequency changed as appropriate
51. Final restoration contours to be submitted before phase 5

Restoration and aftercare conditions
52. Final restoration scheme and planting mix
53. Detailed Management Plan
54. Scheme for access road reduction
55. Access road reduced in width on completion of restoration
56. Five year aftercare period

If the Section 106 Agreement (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member: - Councillor Nancy Matthews
Councillor Matthews has made a number of observations in relation to the application. Whilst the principle of infill of the quarry void with inert materials is understandable, the proposed recycling operations in the quarry are unacceptable and the proposal raises serious safety concerns in relation to the new access and highways matters.

3.02 Concerns relate to: the new access, wider highways capacity, junction width and junction capacity on both the A494 and Glyndŵr Road, and also the new access point, existing drainage problems on Glyndŵr Road, all which raises serious safety concerns with an increase in HGV movements especially during wintry and icy conditions, the section of the road where the proposed access is located always freezes in icy weather. The amendments to the application regarding the road widening and access improvements do not address the concerns with regards to junction capacity, wider highway network capacity and the capacity of Glyndŵr Road to accommodate the increase in HGVs as proposed. Vehicles turning from the A494 onto Glyndwr Road have to cross the centre line of the carriage way and the proposed widening would not be sufficient to allow two vehicles to pass. This could lead to HGVs queuing on the A494 waiting to turn into Glyndŵr Road which could cause congestion on the A494 which raises safety concerns for other drivers and pedestrians as this could lead to drivers on the A494 dangerously overtaking slow vehicles. A precedent has been made when the Council determined the Eagles and Crawford coach garage depot when conditioning a one-way system to improve traffic flow and avoid congestion

3.03 The proposed recycling operations are unacceptable in this rural location due to the noise and dust that would be generated and there is no need to locate the recycling operations on site. This element of the proposal is considered to be contrary to TAN21 and the proximity principle as policy guides recycling facilities to be located close to the source of waste and at the right place and the right time such as their existing site at the Deeside Industrial Park. Should the recycling

proposals go ahead then this would introduce an industrial process into the countryside.

3.04 Councillor Matthews is concerned in relation to the nature of waste materials that would be processed in the proposed recycling operations and deposited which could cause environmental pollution but acknowledges that the infilling would make the surrounding land safer and more secure.

3.05 Councillor Matthews has also requested that The Planning Committee undertake a site visit before a decision is made and to look at the proposed new access and the junction with Glyndŵr Road and the A494(T).

3.06 Gwernymynydd Town Council
Gwernymynydd Community Council object to the proposal to the proposal for a number of reasons relating to highways safety and junction capacity, the noise, dust, debris/mud on the road and disturbance that would be generated from increased HGV traffic as a result of the proposal. The number of vehicle movements proposed would exacerbate existing traffic problems on A494. The access does not have sufficient visibility splays and presents safety concerns in relation to its proximity with the A494 junction, the accesses of other quarries in the area are wider with better visibility. They believe that the North and Mid Wales Trunk Road Agency need to undertake a transport/traffic assessment of the proposal in relation to the impact on the A494 as the applicant's assessment is inadequate.

3.07 They have raised safety concerns in relation to the new internal access road which would lie at an elevated position. Risks of accident would be heightened especially during icy weather conditions which would increase risk of accident and hazards for users on Glyndŵr Road. The revised alignment and the changes in relation to the proposed new internal access road do not address their concerns. The waste transfer/recycling element of the proposal is not acceptable as recycling would be the primary purpose as opposed to restoration to stabilise the quarry faces.

3.08 Other concerns relate to the adverse effects of the local flora and fauna which has become established since the cessation of quarrying activities, the disturbance of the local protected bat population, the proposed hours of operation, disturbance of hazardous wastes on site, lack of bunding and noise mitigation, pollution from noise, dust and need for flood lighting which would cause a nuisance and impact on residential amenity, the impact on the AONB, drainage problems and existing surface water run-off should be resolved through the planning application, the impact on public rights of way, public access and the devaluation of property value in the Gwernymynydd area by up to 10-20%.

3.09 Head of Highways and Transportation

The Head of Highways and Transportation has not objected to the proposal but has advised that any decision notice be issued with conditions and informatives in relation to highways specification, highways safety, visibility, and drainage. A Section 278 Agreement under the 1980 Highway Act would also be required prior to construction of the access road and retaining wall.

3.10 Public Rights of way

Public Footpath 34 abuts the site but appears unaffected by the development therefore there are no observations.

3.11 Head of Public Protection

No objections in principle to the application but advises on conditions relating to hours of operation, noise, dust and environmental permitting.

3.12 North and Mid Wales Trunk Roads Agency

At the time of writing the report no written comments had been received.

3.13 Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW)

During pre-application discussions the Countryside Council for Wales (now NRW) agreed that the proposed activity would be acceptable subject to agreeing the fine detail including the requirements for safeguarding bats and their roosts, other European Protected Species such as great crested newts and other biodiversity matters including Section 42 species which has been provided in the planning application and supporting Environmental Statement and additional information.

3.14 NRW did not object in principle to the application subject to clarification on a number of matters which have been provided by the applicant during the consideration of this application. Flowing the initial consultation, NRW raised some concern and suggested a number of changes to the application in relation to the restoration and that the restoration should achieve woodland with open glades and water bodies rather than exclusively to calcareous grassland. The applicant has taken the comments from NRW into account and NRW is now satisfied and raises no objection subject to the imposition of condition to ensure that the proposed mitigation is implemented, final restoration details to be approved subject to condition, conditions relating to aftercare and conditions relating to surface water drainage. They consider that the proposal is likely to have landscape and ecological benefits. NRW have requested that the section 106 agreement include relinquishment of future development rights for the whole site once the site has been restored.

3.15 Clwyd Bat Group – objects to the proposal as they have implications with regards to the lesser horseshoe bat roost and their habitat. Until reassurances have been provided in respect of their concerns, the Clwyd Bat Group objects to the proposal.

3.16 The Clwydian Range and Dee Valley AONB Joint Advisory Committee (JAC) is supportive in principle of restoring the site and is conscious of the landscape and visual benefits of the scheme following completion of the proposed restoration. However, such support is subject to satisfactory measures to mitigate against the impacts on protected species and the geodiversity interest of the site. The revised restoration concept which would involve woodland and wetland would maximise the biodiversity value of the site in respect to protected species which is supported by the JAC.

3.17 The JAC has concerns regarding the potential for disturbance/loss of local tranquillity, particularly as a result of the additional traffic generated and the proposed recycling operations. The access road would also result in the loss of existing trees and woodland which are a significant landscape feature and wildlife habitat. However, the main concerns emphasised by the JAC in relation to the visual/landscape impact of the proposed access road have been addressed in part by the revised access road scheme. The JAC welcomes the intention to extend the management plan area to include all land within the applicant's control, but remains disappointed that the management period has not been extended beyond 15 years and that opportunities to enhance public access by the creation of new permissive paths which connect to the local rights of way network have not been taken forward as part of the restoration and after-use proposals.

3.18 North East Wales Regional Important Geodiversity Sites (NEWRIGS) A trace fossil horizon at the base of the quarry has been identified which is not known to be exposed anywhere else in the North East Wales area. As a result, the site has been designated as a Regionally Important Geodiversity (RIG) Site. Geoconservation/ diversity and the understanding of the geology of NE Wales would be significantly reduced by the loss of this RIG site. However, NEWRIGS have acknowledged the mitigation measures proposed within the application which should be required by condition.

3.19 North Wales Wildlife Trust opposes the development on the grounds of damage to wildlife habitats. Whilst there are potential stability issues, it should not be used as justification for the destruction of the existing calcareous grassland and scrub habitat. The proposal does not consider the long term management.

3.20 Nercwys and District Rural Association (NADRA) accepts that there is a national and local need for landfill sites for inert material that cannot be recycled, and recognises that the proposal offers a

number of benefits to the area and does not object to the proposal in principle. However, NADRA have raised a number of concerns which include:-

- Junction capacity and highway safety issues of the A494 and Glyndŵr Road
- Inadequate Transport Assessment
- The gradient of the proposed internal access road.
- Noise, dust, vibration and disturbance which will cause an unacceptable significant impact on properties along Glyndŵr Road and local wildlife, bats, the SSSI and the AONB.
- The need to locate the recycling plant in this location which would be better located on an industrial estate
- Vibration assessments are required
- Ground water pollution and impact on local water courses
- Requirement for a restoration bond
- Time limited consent
- Financial contributions for local community projects through section 106 should be required.

3.21 Health and Safety Executive (HSE)
The Inspector of Quarries of the HSE has confirmed that there are a number of failure mechanisms apparent at Cambrian Quarry. Infilling would eventually buttress the failing faces. Care would need to be taken in the order of the placement of materials in the infilling process. This would be regulated by the HSE.

3.22 Denbighshire County Council as neighbouring Local Planning Authority have raised no objections to the proposal.

3.23 Dŵr Cymru/Welsh Water have not raised any objections to the proposal but have suggested a number of conditions and advisory notes in relation to drainage and water resources.

3.24 Clwyd and Powys Archaeological Trust confirmed that there are no archaeological implications for the proposed restoration works. Access to the early underground mine workings would be preserved by bat mitigation measures.

3.25 Airbus - No objection on aerodrome safeguarding.

3.26 David Hanson MP has raised concerns on behalf of two constituents in relation to HGV movements, traffic, dust and noise.

3.27 Sandy Mewies AM has raised concerns on behalf of two constituents in relation to HGV movements, traffic, dust, noise, and disturbance, an industrial intrusion into the rural area, the length of time the project would take, risk to ground water quality, and lack of benefits to the community and the amount of material that would be exported once processed, as opposed to being used for restoration on site.

4.00 PUBLICITY

4.01 This application was advertised by way of press notice, site notice and neighbour notification letters were dispatched to nearest residential receptors. The application was advertised in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 on 2 May 2013. Since the initial consultation, further information has been submitted and amendments made to the proposal in relation to the alignment of the access road, road widening and details of the restoration. This was also advertised in accordance with Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations (1999) on 7 November 2013.

4.02 During the consideration of this application, a total of 102 local residents have made representation against the proposed application. A letter from a collective of residents, property and land owners have also made representation. A summary of the planning based representations in objection to the proposal are set out in paragraph 4.04 below.

4.03 The main planning based representations in objection that are material to the determination of this application include issues associated with three main elements of the proposal;

- restoration of the site by importation of inert waste,
- the proposed aggregate recycling operations, and
- the proposed new internal access road.

4.04 Objections to the proposal pertinent to the three main elements of the proposal relate to: -

- The principle and need for the restoration as it has naturally self regenerated and the need for additional landfill capacity in this area
- The need for the recycling operations in this location
- The main focus of the operations would be the waste transfer and recycling rather than the restoration
- The amount of materials that would be recycled and removed off site would be 95% of the waste with only 5% being left for the restoration which would extend the time period required to restore the site or it would increase the vehicle movements
- The calculations of waste to be exported is not correct
- Contrary to National/Local Policy and the Waste Hierarchy
- Contrary to draft TAN21 – there is no exceptional circumstances and phase 5 is not needed
- Requirement for a restoration bond
- Detrimental Impact on the landscape and character of the AONB and visual impact
- Loss of important trees which are protected by a Tree

Preservation Order (TPO)

- Introducing an industrial development in a rural area which should be located on an industrial estate
- An alternative site should be sought
- There has been no assessment of other potentially available brownfield sites
- Ecology and nature conservation issues especially with regards to disturbance of the local bat population
- Impact and destruction of the SSSI wildlife and European Protected species, specifically bats, great crested newts, butterflies and their habitats and contravention of the Conservation of Habitats and Species Regulations 2010
- Impact on badgers,
- Failure to meet the derogation tests in relation to European Protected species – additional surveys are required to ensure that the derogation tests can be met and that potential for tree roosts have been assessed
- The site has already naturally self-restored
- The impact on the highway and road traffic matters in relation to road safety and highways capacity
- Junction and wider highways capacity – other quarries in the area have wider access roads and junction widths
- The new access is not acceptable and is inadequate and in terms of visibility and width which would present an unsafe access road and does not meet the standards of TAN18
- Inadequate junction of Glyndŵr Road and the A494
- Hazardous highway conditions in winter causing black ice
- The new access would result in the removal of important hedgerow and trees
- Unacceptable increase in HGV movements causing noise, dust, mud on the highway and disturbance and safety concerns for all users
- Inadequate transport assessments which have not taken into account seasonality
- Cumulative impact of other quarries in the area
- Residential amenity and the impact from noise, dust, lighting vibration, odour, disturbance, landfill gas, hours of operation, health concerns
- The proposal would attract vermin/odours
- Insufficient noise surveys and dust mitigation proposed
- Artificial illumination and light pollution
- The impact on the water environment, the water table, ground water and the pollution or water courses and drainage
- Increase in surface water run-off
- Concerns over drainage
- Disturbance of previously deposited waste from the construction of the access road and the landfilling activity
- Risk of previously contaminated land/waste being disturbed, risk of landslip of contaminated waste

- Ground stability and vibration from the machinery and HGVs
- Impact on the underground bat caves from vibration
- Disturbance of previously deposited waste from vibration
- Only a few new jobs would be created
- Impact on tourism and local businesses in the area
- Health and Safety
- Mental health concerns
- Contravening the Countryside and Rights of Way Act 2000
- Impact of existing public rights of way
- Monitoring would be required
- Impact on the Regionally Important Geological site
- Impact on the cultural heritage of the area
- Contrary to the proximity principle
- Impact on local businesses and the local economy
- Lack of community benefit offered
- Cumulative impact from other quarry/waste sites in the area
- The revised access does not address previous concerns
- Contrary to the Gwernymynydd Village Development Plan
- Should it be approved other industrial activities would be allowed in the future

Other representations that are not material planning reasons include:-

- Devaluation of property prices in the area by 10-20%
- Lack of enforcement of previous waste activities on the site
- The applicants are not suitable candidates to be allowed to operate the proposed activities
- Precedent set by Denbighshire to refuse a similar proposal
- The credit rating of the company and their ability to fund the restoration project
- Previous operations and poor maintenance and management of the site when it was operated in the past.

5.00 SITE HISTORY

5.01 Cambrian Quarry is an inactive limestone quarry which has also been the subject to historic underground mining operations and above ground quarrying operations. Lead mining started in the area in the early 18th Century and was at its height in the 1800's. There are a number of shafts associated with the underground lead mines located in and around the Quarry. Lever Brothers took over the ownership of the Quarry in 1905 and started mining silica stone for use as an abrasive agent in 'Vim'. The silica stone was extracted using pillar and stall working methods which has resulted in a network of underground mine workings beneath the eastern part of the old quarry area and under the adjoining fields to the east of the application site. The opencast quarrying of limestone and silica stone at Cambrian Quarry started in the 1800's and this was subsequently brought under planning control in 1951.

5.02 The Cambrian quarry void is covered by one planning permission for '*Quarrying at Cambrian Quarry'*, granted in 1951 under Permission Ref. H51/279. This permission was subject to review under the 1995 Environment Act and an Application for the Determination of New Conditions was submitted in January 1997. This review application has not been determined as an Environmental Statement is required to be submitted. The quarry permission was formally 'stalled' in 2011 under the EIA Regulations, and mineral extraction operations cannot recommence until an Environmental Statement has been submitted and the review of conditions approved.

5.03 Evidence provided within the submitted application for the Determination of New Conditions stated that there were some reserves remaining in the Quarry. The application indicated that there would be no further lateral extension but there would be potential to go deeper into the quarry void. The application stated that as of November 1996 the remaining reserves of *in situ* mineral within the site were estimated around 200,000 cubic metres. Furthermore there was approximately 25,000 cubic metres of previously processed material on the quarry floor. A suggested condition within the conditions application would permit extraction no deeper than 269m AOD. Existing levels indicate this would involve extraction of between 1 and 9 metres below existing levels should it be possible to extract the mineral. Subject to the submission of an Environmental Statement and the subsequent approval of conditions, there is the potential for the quarry to be reactivated to extract the remaining reserves.

5.04 There are three extant planning permissions for the disposal of industrial waste located within Cambrian Quarry. Whilst the planning permissions are extant, the operator surrendered waste management licenses for these waste permissions in 1993 and they would not be permitted to recommence operations until an Environmental Permit was issued by Natural Resources Wales/ Cyfoeth Naturiol Cymru:

- Permission Ref. H62/207, granted in 1962 for '*Tipping of industrial waste including used tyres, inner tubes, glass and incidental waste of rubber tyre nature*.'
- Permission Ref. H63/264, granted in 1963 for '*Tipping of industrial waste including the tipping of waste multiwall paper bags tightly bundled and baled, the tipping of multiwall bags of scrap insulation material, which will include magnesia block, rock wool, fibreglass filter bags etc*.'
- Permission Ref. H63/265, granted in 1963 for '*Tipping of industrial waste*.'

5.05 Non-minerals/waste development on the application site within the control of the applicant:

- Reference 27/89: Retention of compound for storage and distribution of fencing materials; refused 05.04.1989, allowed

on appeal 16.11.1989 (temporary for two years)
- Reference 965/91: Renewal of temporary consent ref 27/89; refused 04.06.1993
- Reference 891/92: use of land and buildings as a grounds maintenance depot (retrospective); refused 28.01.1993
- Reference 337/94: use of land and buildings as a grounds maintenance depot (retrospective); refused 24.07.1994

5.06 The reasons provided for refusing application 27/89 refers to the increased use of the existing access which would add unduly to the hazards of other highways users. However, this application was allowed on appeal for a temporary period. Reasons for the subsequently refused applications also included the impact of safety of other highways users from an increased use of the substandard access to the site which is steep and has minimal visibility. Application 337/94 was refused because the County Road gaining access to the site was considered substandard in terms of its width and alignment to provide a safe and satisfactory access to the site.

5.07 Whilst these applications were refused, there is evidence in the files that the use continued without any enforcement intervention from the Council. There are claims within the file that the site has an established use for storage of plant, machinery and heavy goods vehicles and incidental storage purposes in February 1996. There is also evidence in the file that the site was being used for storage and breaking of cars. The Council did not enforce against the unauthorised activities. Based upon that evidence, it is likely that those activities would now be immune from any enforcement action and an application for a Certificate of Lawful use might be successful.

6.00 PLANNING POLICIES

6.01 The main planning policies and guidance relevant to the determination of this planning application are considered to be:

LOCAL PLANNING POLICY

6.02 *Flintshire Unitary Development Plan* (Adopted September 2011)

Policy STR1 - New Development
Policy STR7 - Natural Environment
Policy STR10 - Resources
Policy GEN1 - General Requirements for Development
Policy GEN3 - Development in the Open Countryside
Policy GEN5 - Environmental Impact Assessment
Policy D1 - Design Quality, Location and Layout
Policy D4 - Outdoor Lighting
Policy TWH1 - Development Affecting Trees and Woodland
Policy TWH2 - Protection of Hedgerows
Policy TWH3 - Woodland Planting and Management
Policy L1 - Landscape Character

Policy L2 - Areas of Outstanding Natural Beauty
Policy WB1 - Species Protection
Policy WB3 - Statutory Sites of National Importance
Policy WB4 - Local Sites of Wildlife and Geological Importance
Policy WB6 - Enhancement of Nature Conservation Interests
Policy AC13 - Access and Traffic Impact
Policy EM7 - Bad Neighbour Industry
Policy MIN4 - Restoration and Aftercare
Policy MIN5 - Dormant, Inactive and IDO Sites
Policy EWP6 - Areas of Search for Waste Management Facilities
Policy EWP7 - Managing Waste Sustainability
Policy EWP8 - Control of Waste and Operations
Policy EWP11 - Development on landfill sites
Policy EWP12 - Pollution
Policy EWP13 - Nuisance
Policy EWP14 - Derelict and Contaminated Land
Policy EWP15 - Development of Unstable Land
Policy EWP16 - Water Resources
Policy EWP17 - Flood Risk

GOVERNMENT GUIDANCE

6.03 Planning Policy and Guidance
Planning Policy Wales (2011)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 21 – Waste (2001)
Draft Technical Advice Note 21 – Waste (2013)
Minerals Planning Policy Wales (2000)
Minerals Technical Advice Note 1: Aggregates 2004
Minerals Planning Guidance Note 7: Reclamation of Mineral Workings 1989
Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings, 1993
Policy Clarification Letter, CL-01-12, Publication of Collections, Infrastructure and Markets Sector Plan and its role relative to Regional Waste Plan First Reviews – Interim Planning Position

6.04 Waste Strategy Policy and Guidance
Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010
Collections, Infrastructure and Markets Sector Plan, 2012
Construction and Demolition Sector Plan, November 2012

6.05 The main policies to be considered in the determination of this application are the policies of the Flintshire Unitary Development Plan (FUDP) particularly policies relating to landscape, nature conservation and protected species, landscape, highways, waste and amenity. The policies and guidance contained within TAN21 and the draft TAN21 are also central to the determination of this application.

The materiality of the above polices are discussed in the following planning appraisal.

PLANNING APPRAISAL

7.01 Introduction

The details of the proposed development will be outlined below along with a description of the site and location, site constraints and the issues that will be assessed within the main planning appraisal.

7.02 ***Details of Proposed Development***

The planning application proposes the restoration of Cambrian Quarry by the importation and recycling of inert materials. The restoration of would involve the following:

- The construction of a new internal access road and entrance on to Glyndŵr Road, together with associated road widening to allow two way HGVs to pass and landscape works;
- The importation of approximately 477,000m^3 of inert restoration materials to progressively infill the quarry void over a period of 6½-9 years over five phases;
- The recycling of inert restoration materials that would be brought into the site and contain materials such as stone, concrete, brick and soil that would be suitable for re-use;
- The restoration of the quarry void to a shallow valley landform that will be used for agriculture and nature conservation;
- Restoration to woodland with open glades and ephemeral wetland areas
- Advance landscape planting and ongoing management of the land within the site;
- The management of the whole of Cambrian Quarry, including the restored quarry void and the surrounding land, for a period of 15 years from the completion of restoration; and
- The surrender of the existing mineral and waste disposal planning permissions that cover Cambrian Quarry which would be required by a Section 106 legal agreement.

7.03 Only inert waste would be accepted on the site. 'Inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater. Once the inert waste has been accepted at the site it would be sorted using an excavator and screened to separate soils and fine materials from hard materials. Hard materials will then be crushed and screened again to meet a size specification to create a recycled aggregate or soil material. Recovered material that would be suitable for re-use off site

would then be exported off-site. Residues from the recycling process that cannot be re-used, would be deposited within the quarry void and used in the restoration of the quarry. The recycling operation would ensure that all useable aggregate and soil materials brought in to the site are re-processed to create another product and re-used rather than disposed of.

7.04 The restoration landform proposed in this application would involve the infilling of a void space of around 477,000m3, which is proposed to take between 6½-9 years to infill at proposed infill rates. The average conversion factor for the materials, once compacted, is 1.9 tonnes per cubic metre. To allow sufficient time for final restoration works, this application proposes a maximum time period of 10 years for the infilling and completion of restoration operations. The quarry void would be infilled progressively in five phases. The first four phases are required to create a stable landform which would stabilise the unstable quarry faces. They have been confirmed by Natural Resources Wales to be recovery operations. Phase five is considered to be disposal operation by landfill at present. However there is a possibility that in the future the final phase may be considered also to be recovery. Also, the final phase of the restoration could be constructed using the CL:AIRE protocol which is a recognised Code of Practice. Should this be the case the final phase would not involve waste disposal however, this would be a matter for NRW to determine and for the purposes of determining this application, the final phase is considered to be a disposal operation.

7.05 It is anticipated that the total quantity of material to be transported into Cambrian Quarry will be between 145,000 and 200,000 tonnes/annum. Between 45,000 tonnes and 60,000 tonnes of this material would be recycled and exported. Approximately 30% of imported material would be recycled and exported off site and 70% of the materials imported to be used in the restoration of the site.

7.06 Materials would be transported using Heavy Goods Vehicle (HGVs) with an average payload of 20 tonnes. It is understood that the average number of HGV loads transported to the quarry per day would range between 28 and 38, which equates to between 56 and 76 HGV movements per day. There may be some variation in the number of loads/ movements, but these would not exceed 75 loads/150 movements per day.

7.07 The proposed operating hours would be during the months of March through until September:-
0700 – 1700 hours Monday to Friday
0700 – 1300 hours Saturdays
With no working on Sundays or public/bank holidays

7.08 In order to ensure that there would be no need for artificial lighting which could potentially affect bats emerging during dawn and dusk,

the applicant also proposes that no working would take place during the hours of darkness in the winter months between October to February. The following working hours are proposed during the winter months Monday to Friday:

7.09 October (during British Summertime) 0800 to 1700 hours
Late October (GMT) 0715 to 1630 hours
November 0800 to 1600 hours
December 0830 to 1545 hours
January 0830 to 1600 hours
February 0800 to 1700 hours

7.10 During the above winter months (October until February), works would commence on Saturdays as above in paragraph 7.09 until 1300 hours with no working Sunday or public/bank holiday.

7.11 The applicants have submitted an Environmental Statement (ES) as part of the application which contains information regarding the baseline conditions, likely significant impacts arising from the proposal, the probability of effects and proposed mitigation measures. Matters covered within the ES include the background to the proposal, a description of the site and its physical characteristics, the proposed importation, recycling and infilling operations, restoration and subsequent management, the construction of a new access road, consideration of alternative schemes, landscape and visual impact assessment, ecology, transport, noise and vibration, air quality, stability, hydrological and hydrogeological assessment, geodiversity assessment, a tree survey report, employment and rural economy, recreation, cultural heritage, odour, litter, birds and vermin, and lighting. Environmental information and matters that are material to the determination of this application are considered below.

7.12 ***Site Description and Location***
The application sites lies 2.5 km south west of Mold and 300 metres south of Gwernymynydd. The A494(T) Mold to Ruthin road runs 200 metres to the north of the quarry. The current access to the quarry is onto the minor Glyndŵr Road, which runs to the north and east of the quarry. The current access to the quarry is located 200 metres west of the junction where Glyndŵr Road meets the A494(T).

7.13 The quarry covers a total area of 7.3 hectares and can be divided into the 'Old Quarry Area' and the 'Cambrian Quarry Void'. The old quarry area is an area of old mineral workings which has been subject to quarrying, underground lead mining and silica mining which has resulted in the area being made up of small quarry faces, with spoil heaps, access roads and disused buildings. The two original entrances to the silica mine are located here. Most of the old quarry area now comprises woodland, scrubland and calcareous grassland. The majority of this area is outside the application site and would not be affected by the proposed development.

7.14 To the south of the old quarry area is the Cambrian Quarry void which covers approximately 2.8 hectares and was worked for limestone and silica stone between the 1950's and 2000. The base of the void rises from around 266 metres Above Ordnance Datum (AOD) in the north, to around 280 metres AOD in the south. The quarry floor and the shallower quarry faces have started to naturally re-vegetate, mainly with calcareous grassland.

7.15 The northern half of the quarry is surrounded by dense woodland to the north, east and west. The southern half of the quarry is set within agricultural grassland which is used mainly for sheep grazing. Immediately south of Cambrian Quarry is the disused Bryngwyn Quarry, most of which has naturally regenerated although a number of limestone faces are still visible. Aberduna Quarry, a recently restored limestone quarry, lies 1 km to the west.

7.16 The closest residential properties to the quarry are located on Glyndŵr Road to the east and on the A494 to the north. The nearest properties to the quarry void, are located on the western side of Glyndŵr Road; 14 properties along this stretch, lying between 80 metres and 125 metres from the eastern quarry boundary. The intervening land slopes steeply upwards from Glyndŵr Road to the Quarry boundary, rising by 20 – 40 metres.

7.17 The nearest property to the proposed new internal access road is the Old Chapel, on the northern side of Glyndŵr Road, which lies to the north east of the proposed new entrance to the Site. A second property, Sharma, is set back from Glyndŵr Road and lies 30 metres north east of the proposed new entrance. The Rainbow Garage, which occupies a large compound to the south of the A494, is located immediately west of the proposed new entrance. The compound is used as a depot by the coach company Eagles and Crawford and the associated buildings include one dwelling.

7.18 There are no public rights of way crossing or adjacent to the application site. The closest footpath to the site is Footpath No.34 which runs in a north south direction to the west of the site and, at its closest point, is 45 metres from the south western corner of the site.

7.19 ***Relevant Planning Constraints/Considerations***

Virtually the whole of the Quarry Void lies within the Clwydian Range and Dee Valley AONB. The site also lies within the Cambrian Quarry Site of Special Scientific Interest (SSSI) which was confirmed as an SSSI in November 2011. The SSSI covers 23 hectares and was designated because of its special biological interest for its large population of hibernating lesser horseshoe bats. The bats use the silica mine workings that run beneath the north eastern part of the old quarry area and beneath the fields to the east. Outside of Cambrian Quarry, the majority of the SSSI is woodland which lies to the east,

north and west of the old quarry area. This woodland is used for foraging by the lesser horseshoe bats. The Alyn Valley Woods Special Area of Conservation (SAC)/SSSI lies at its closest point 600 metres to the west of the site. Part of the woodland is protected by a Tree Preservation Order (TPO) which was made in 1988 for mixed woodland comprising mainly mixed deciduous woodland.

7.20 **Issues**

The main land use planning issues associated with the determination of this planning application are considered to be:-

1. Principle of Development and suitability of location
2. Principle of the Recycling operations in the quarry
3. Spatial Need for the Aggregate Recycling Facility
4. Need and Best Practicable Environmental Option (BPEO)
5. Need for Waste disposal/recovery and capacity
6. Landscape and Visual Impact
7. Nature Conservation, Designated Sites and Protected Species
8. Restoration and Aftercare
9. Geodiversity
10. Vibration
11. Impact of historical tipping and land contamination
12. Highways, Traffic, Transportation and Access
13. Public Rights of Way and public access
14. Hydrology and Hydrogeology
15. Residential Amenity; Noise and dust
16. Community and Employment
17. Odour, Litter, birds and vermin

7.21 ***Principle of Development and suitability of location for the development and need for restoration by infilling***

The planning permission for the extraction of limestone at Cambrian Quarry would expire on 21 February 2042 which represents the default date and time limit given to sites which had no working life limit when originally granted for mineral planning permission. Cambrian Quarry is an inactive quarry where activities have been stalled awaiting the submission of an ES. However, the old mineral planning permission does not include an adequate restoration condition; it would therefore be left to naturally regenerate. This application would ensure that the quarry is restored to an appropriate landform over a finite period of time which would be sooner than the expiry of the planning permission at 2042, and in accordance with modern planning standards and conditions. The proposal would also provide a suitable and safe landform that would enable a practical after-use for grazing, agricultural use and nature conservation restoration which would be considered to be compatible with the surrounding land uses following the 15 year aftercare period.

7.22 The principle of bringing material into a quarry to facilitate restoration is well established in national guidance as set out in Minerals

Planning Guidance Note 7 and latterly by Minerals Technical Advice Note (MTAN) 1: Aggregates.

7.23 Should this planning application be unsuccessful, it is likely that the Planning Authority would serve a prohibition order on the quarry as the operator has not actively quarried the site for more than two years. However, the Planning Authority has limited power through any prohibition order to secure restoration. Furthermore, restoration secured through the prohibition process would not enable any importation of material. As will be examined later in this report, the importation of materials would secure a higher quality restoration given the landscape and stability issues at this site. Therefore, it is considered that the proposals would secure a higher quality restoration than if the site was left to regenerate naturally. Furthermore, the proposal would ensure that the quarry faces are stabilised and safe in the long term so that the site could be put to a useful land use in the future in line with Policies MIN4, EWP8 and EWP15 of the FUDP.

7.24 The need for importation of inert waste to restore the site needs to be considered. The principle of needlessly landfilling inert waste is not supported by national policy and the act of disposal is located at the bottom of the waste hierarchy. Draft TAN21: Waste (paragraph 4.23) states that the application of the waste hierarchy suggests that landfilling inert waste is not acceptable in most circumstances and without exceptional justification, planning applications for inert landfill should be refused. However, as with TAN21, the draft states that the restoration of quarries using inert waste may be an exception. The National Waste Strategy acknowledges that there would still be need for locations to deposit residual waste that cannot be recycled.

7.25 Local residents and consultees have questioned the need for landfilling and the need for restoring the quarry as the site is naturally self restoring and is host to a number of habitats. Local residents have stated that the site is beautiful in its current natural state and supports protected flora and fauna and has geological interest and therefore does not need restoring by landfill and it should be left to continue to naturally regenerate and restore itself.

7.26 The applicant has provided evidence to support their justification for requiring the infilling of the quarry void which could be argued to provide exceptional circumstances which would meet the criteria of Draft TAN21. The applicant proposes that the infilling is necessary for the stabilisation of the existing quarry faces and to ensure that the final landform is stable in the long term. The submitted stability report states that it is evident that both the southern and eastern quarry high walls are showing signs of recent and potential slope instability. For the most part, it is considered that failures are likely to be of relatively small volume and associated with weathering. However, there are some locations where there is significant

potential for planar and wedge failures to occur. The risks associated with such failures would generally be acceptable in a working quarry or mine environment but are unacceptable with respect to public access and for the long-term maintenance of secure ownership boundaries. The stability of the eastern high wall is therefore of concern not only for the current land owners, but also for adjacent land owners. Furthermore, it is considered that the act of filling the quarry void above the level of the workings would contribute significant lateral restraint to the underground pillars in close proximity to the quarry void and will therefore aid stability.

7.27 The infilling of Cambrian Quarry up to the end of Phase 4 would involve the use of the minimum amount of infill to ensure the long term stability of the quarry faces. NRW have confirmed that the infilling, at least up to the end of Phase 4, would be a 'Waste Recovery Operation' rather than 'landfill'. However, at present, NRW have not accepted Phase 5 as part of the recovery operation and therefore this final phase would be considered to be a disposal operation. In accordance with draft TAN21 this element of the project would not be acceptable, unless in exceptional circumstances.

7.28 Whilst phases 1-4 have been argued to be required for stability purposes which is supported by Policy EWP15 of the FUDP, the applicant has argued a strong landscape case for the inclusion of phase 5. The landform to phase 4 would result in a steep sided valley landform with restored slopes as steep as 1:3 which are not considered to be a natural feature in the AONB landscape surrounding Cambrian Quarry the result of which would be an unnatural and incongruous landform in relation to adjacent areas, which would be in conflict with FUDP policy, character and quality. Evidence has been provided to support this conclusion in the planning application. As such, it is considered that the proposed restoration landform, including phase 5 which would use the minimum amount of additional infill materials to produce an acceptable landform and would not impact adversely on the features of the AONB.

7.29 NRW have acknowledged the justification that the final landform as proposed, up to and including phase 5, is more in keeping with the AONB. They have agreed that, should the restoration conclude after phase 4, this would create a deep valley feature which is not in keeping with the landscape character of the area and the AONB. Furthermore, the JAC have not objected to the proposals. As such, it is considered that the proposals would be in line with the Draft TAN 21 with regards to 'exceptional circumstances' and the applicant has demonstrated that there is a need to infill the site to phase 4 for stability grounds and phase 5 for landscape reasons. The proposal complies with Policies EWP15, L1, L2 and MIN2 of the FUDP.

7.30 The Community Council have raised objections to the proposal as

they consider that the proposal does not accord with the provisions of Environmental Policy E4 of the Gwernymynydd Community Development Plan which states that the Community Council will oppose any use of redundant quarries for landfill. The supporting text refers to the County Council's target for reducing annual waste allowance per person and suggests that recycling targets will reduce the requirement for redundant quarries to be used for landfill purposes. However, whilst recycling targets apply to inert waste arisings, this application is not for a commercial landfill operation, it is to secure the stability and to achieve appropriate restoration of this quarry site. Furthermore, it is argued that phases 1-4 are not landfill operations. It should be also noted that the Gwernymynydd Community Development Plan does not form part of the Statutory Development Plan, however the Community Council have raised issues which are considered to be material in the determination of this application.

7.31 ***Principle of Recycling in the quarry***

With regards to the recycling elements of the proposal, Policy EWP6 of the adopted FUDP provides for areas of search for new waste management facilities, and directs developers to areas where they should ideally be located. Whilst Cambrian Quarry is not listed within this area of search policy, the policy is not site specific and it does not preclude other sites from being considered, as long as the proposal would comply with other relevant plan policies, particularly EWP7 and EWP8 which will be examined subsequently.

7.32 Within the supporting text of Policy EWP6 it recognises that some of the locations identified within the area of search include working and disused mineral excavation sites (i.e. quarry sites). Furthermore, the policy directs developers to brownfield sites which the quarry would be classified as until it has been satisfactorily restored or managed. Planning Policy Wales provides a definition of previously developed land in which land used for mineral extraction, such as Cambrian Quarry has not been restored through development management procedures. As such, without any restoration, or ability for the Local Planning Authority to ensure restoration occurs (in the absence of a restoration condition), this site would be considered to be previously developed land. Subject to compliance with other policies within the FUDP, it is considered that the use of quarries for waste management operations would be in principle acceptable. National guidance, TAN21 Waste, Annex C, and the draft TAN21 also supports locating waste management facilities in quarries. The types of activities that would be involved in aggregate recycling and the waste management activities proposed, and the plant and machinery proposed to be used, are akin to that of an operational quarry.

7.33 ***Spatial Need for the Aggregate Recycling Facility.***

The need for the recycling processing operations to be located within the quarry void have also been questioned by the Local Member, the

Community Council, the local community and other consultees. They feel that this type of industrial development should not be located in the open countryside and an industrial estate would be a more appropriate site for this type and nature of operation. However, not all industrial estates are appropriate for construction and demolition waste recycling, and as the operations involved such as crushing and screening and open air storage of stockpiled materials are akin to the types of activities that are undertaken at quarries, it would be considered acceptable in principle. Furthermore, Policy EWP6 identifies quarries to be acceptable locations to be used for waste management activities such is as proposed in this application.

7.34 The applicant intends to recover valuable material from the waste brought to site by processing which is in line with the waste hierarchy. One of the benefits of recycling within the quarry site (as opposed to demolition sites) is that the applicant can secure waste material from a wider range of sites which are not able to process or reuse waste produced on site, which will potentially increase the volume of waste available for use in restoration of the quarry. Some demolition sites would not be suitable for onsite recycling. Concern was raised by the Community Council that the recycling business would extend the use of the site and unreasonably delay its restoration. Local objectors have quoted figures such as 95% of the material processed would be exported off site rather than being used in restoration which would unduly delay restoration. However, the figures proposed in the application are approximately 30% being exported off site. Should planning permission be granted, a time limited condition of 10 years would be imposed in order to address this concerns and to secure timely restoration.

7.35 There are a limited number of permitted waste facilities within Flintshire and also Denbighshire which can process inert waste. Information regarding inert waste management is limited as the national waste strategy focuses on priority materials which tend to have a greater ecological footprint than inert wastes. The level of construction and demolition waste has declined nationally since the start of the recession and there is a question over the availability of waste material for the proposal and in the event that the construction sector improves, this may be reversed. The value of recycled aggregates and the cost of transporting the material is considered likely to further limit the availability of waste to the project. However, this uncertainty is not in itself considered sufficient to warrant refusal of the proposal, particularly as the overarching purpose of the proposal is to achieve the restoration of the quarry and to enable a stable and safe final landform for a future after-use. It is considered that the applicant has provided sufficient evidence within the application that would ensure they would be able to source the required material in order to achieve the proposed landform within the proposed timeframes.

7.36 The Welsh Government has made clear its commitment to recycling through the national waste strategy, 'Towards Zero Waste' and the Construction and Demolition Sector Plan. This will increase the need for facilities which can reprocess waste, including inert waste, although the precise level of need is unknown. The proposed recycling operation would divert useful resources from being needlessly landfilled which is supported at national, regional and local level. It would also contribute to national landfill diversion targets set by the Welsh Government in the National Waste Strategy. In order to meet the requirements of the Waste Hierarchy it is essential that all materials that are brought into Cambrian Quarry for use in restoration have first been subject to recycling to remove any materials that are suitable for re-use. It is accepted that the recycled materials will have to be transported from the quarry to the wider market area, but this would be the case wherever the recycling plant is located. Policy EWP7 of the adopted FUDP permits new waste management facilities provided that the facilities proposed are required to meet an identified need within the Regional Waste Plan. The Regional Waste Plan is now essentially superseded by the CIMS Plan and the Welsh Government Clarification Letter of 1st November 2012; CL-01-12. The CIMS Plan indicates that the Construction and Demolition Sector plan is of importance but the level of need for these types of waste management facilities is unknown. There is however an identified need to restore the site for both landscape and stability reasons and the minimum amount of material is proposed to ensure a satisfactory and safe landform results from the proposal.

7.37 The proposal is considered in line with the waste hierarchy as it seeks to recycle waste where possible and use the remainder for beneficial use. Minerals Planning Policy Wales and Minerals Technical Advice Note 1: Aggregates, further outline support for the recycling of aggregates to reduce the need for primary aggregates.

7.38 The level of need for inert waste recycling is currently unknown. However, the applicant has presented evidence within the application that they can provide the predicted amount of material that is likely to be available for recycling using their past records. As such, there is evidence to suggest that the restoration proposed within the application can be achieved within the proposed timescales.

7.39 ***Need and Best Practicable Environmental Option (BPEO)***
Policy EWP7 of the FUDP permits proposals provided that they are the Best Practicable Environmental Option (BPEO) and that there is an acknowledged requirement for proposals to accord with the waste hierarchy. The waste management element of the proposal are for the recycling and disposal of inert waste. The proposal is considered in the context of the national waste strategy, Towards Zero Waste, which is supplemented by a number of Sector Plans, including the Collections, Infrastructure and Markets Sector (CIMS) plan (adopted July 2012) and the Construction and Demolition (C&D) Sector plan

(adopted November 2012). On the 1st of November 2012, the Welsh Government issued a clarification letter, CL-01-12, which advises that decisions regarding proposals for waste management should take into account the national waste strategy, of which the Sector Plans form part. Neither the CIMS plan, nor the C&D Sector plan, gives clear guidance as to the spatial requirement for recycling facilities for inert waste, although the lack of recycling facilities in rural areas is cited as an issue which needs to be addressed.

7.40 ***Need for Waste disposal/recovery and capacity***
The CIMS Plan provides guidance on all types of waste and discusses disposal of residual waste, but this does not take into account inert waste which requires disposal. The principles within the CIMS Plan apply to this application with regards to ensuring that there isn't an over provision of facility types. The C&D Sector Plan provides an analysis of waste management in the C&D sector, and concludes that, of the 12.2 million tonnes of waste produced by the sector, approximately 11% was landfilled. The Waste Framework Directive states that "*by 2020 the preparation for reuse and recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous C&D waste excluding naturally occurring materials defined in category 17 05 04 on the list of waste shall be increased to a minimum of 70% by weight*". If approved, the development would have seven years of operations prior to this target taking effect. It is considered that, for the purposes of determining the application, the proposal constitutes a recovery operation because the primary objective of the proposal is to achieve restoration of the quarry for beneficial use rather than a disposal operation and is therefore encouraged at the European and national levels. Furthermore, NRW have confirmed that the Phases 1-4 of the proposals would constitute a recovery operation. For the reasons set out above, phase 5 is justified on landscape grounds.

7.41 The Waste Framework Directive established the Proximity Principle, which has then been incorporated into national policy and guidance. Planning Policy Wales states that "*Waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as practicable, that waste is not exported to other regions. It also recognises that transportation of wastes can have significant environmental impacts*." The Waste Framework Directive now refers to wastes being recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and human health. Policy EWP 7 of the FUDP ensures that new waste management facilities seek to treat and/or dispose of waste as close to the generation source as practically possible.

7.42 The applicant's existing business involves earthworks contracting where materials are excavated and removed from construction sites,

utility trenches, and highway works. Up until 2010 the applicant transported some of these materials to Bryn y Gaer Quarry near Hope in Flintshire where they were used to restore the quarry in a similar operation to that which is being proposed at Cambrian Quarry. Approximately 135,000 tonnes of material were imported to Bryn y Gaer Quarry over a 2 year period and the site is now almost restored back to agriculture, with a limited amount of importation required to complete the restoration. Since 2010 the applicant has had to transport these materials to a number of third party sites for use in restoration, including Gowy landfill site near Chester and Pen y Bont landfill site near Chirk. The requirement for restoration materials at these two sites is finite and an alternative site is needed to be sourced. The applicant proposes that Cambrian Quarry is an ideal replacement site and would be used to take suitable restoration materials that arise from its earthworks contracting business. In addition to materials arising from the earthworks contracting business, inert residues from the proposed on site recycling plant would be used in the restoration of Cambrian Quarry alongside some clean soils from the applicant's waste transfer station at Bretton.

7.43 The applicant currently operates a temporary recycling plant on the Deeside Industrial Estate which is permitted as part of a scheme to raise the level of the site so that it can be developed for industrial use. This permission is time limited to 2016, or until the land raising is completed, whichever is the earlier. It is proposed to relocate this plant to Cambrian Quarry. The applicant has stated that there is a clear and urgent need for the void space at Cambrian Quarry which will provide the applicant with certainty that there is an available site over the next 7-10 years. The applicant does not specify exactly where waste will be drawn from; however, they consider the availability of disposal sites within North East Wales and parts of North West England. They have also provided historical data to provide evidence that they would be able to secure the proposed amount of material in the given timescales. Whilst the national waste strategy contains waste reduction targets disposed of to landfill, there is still a recognised need for landfill capacity for disposal of some waste materials such as inert waste.

7.44 Whilst Gwernymynydd is a rural area, the proposal site is located less than 2 miles from Mold, and approximately 15 miles from Ruthin and Wrexham, and is therefore within a reasonable distance of potential markets. There are no permitted inert disposal facilities within Flintshire or Denbighshire that are available to the applicant other than the existing site at Deeside which is time limited to 2016, and there is limited inert disposal capacity within the rest of the region in Conwy (Tŷ Mawr Farm, Abergele and Llanddulas) and Wrexham at Hafod Landfill.

7.45 The applicant has looked to alternative sites in the region however, other disposal facilities within the region are licensed to take non-

hazardous waste or are restricted user sites. The availability of exempt inert disposal capacity is also reducing following changes to the Environmental Permit Regulations. The distances from the proposal site to local markets are not considered unreasonable and as the number of disposal sites declines, the distances that wastes which require disposal will travel increases. The proposal is therefore considered broadly in line with the proximity principle and therefore would accord with Policy EWP7 of the FUDP. Whilst this application does involve the use of waste to restore the site, the main objective of the proposal is for stabilisation and restoration purposes.

7.46 ***Landscape and Visual Impact***
The quarry void is located within the boundary of the Clwydian Range and Dee Valley AONB. Parts of the proposed development at the northern end of the site, including the proposed access road are situated outside this designated site. The quarry is located in a ridge landform, and the existing contours provide effective screening from local viewpoints including residential properties on Glyndŵr Road. The main visual effects would be as a result of the access road.

7.47 The Landscape and Visual Impact Assessment (LVIA), supplied within the provisions of the application, is considered to be comprehensive. This assessment identifies the scale and significance of the impacts of the void restoration and the new access road.

7.48 The quarry void is contained within the surrounding landform and does not exert adverse visual impacts within the AONB from distant views. The northern parts of the site consist of mature woodland areas and scrub, parts of the woodland are subject to a TPO. The existing vegetation at the north of the site screens views experienced from the north which reduces its impact significantly. From longer distance views, it is considered that the site is inconspicuous and blends into the wider landscape. The proposals would ensure the recycling plant and associated activity occurs out of sight as it would be located within the void for the majority of the restoration. Initially the plant would be located at the south of the quarry void. As the restoration progressed, the plant would be relocated to the north of the site. It would remain in this location until it would have to be removed to enable infilling to be completed in this area. Retaining the recycling plant at this level would ensure that it would be located at least 14 metres below the level of the eastern rim of the quarry, in order to minimise noise and visual impact. The maximum height of the crusher and screens would be 5 metres and all stockpiles of materials associated with the recycling operation would be no more than 5 metres high, this would be conditioned.

7.49 It is considered that the proposed new access road has the greatest potential to generate adverse landscape and visual impacts. Following the initial consultation, the applicant took into account

comments from NRW, the JAC and local residents and modified the location of the access road. The internal access road is proposed to be located in a deeper cutting and further away from Glyndŵr Road to reduce the visual impact from the adjacent property 'The Old Chapel'. The realigned location would allow the retention of the existing bank and vegetation along the western half of the access road adjacent to Glyndŵr Road. Instead of a fence being erected on the northern boundary of the site a stone wall would be constructed along the length of the boundary of the site to provide a consistent landscape feature along Glyndŵr Road which would be in keeping with the local area. Additional planting is proposed to provide additional screening of the site when viewed from the north. The existing quarry access road would be removed and planted to screen views into the site where the existing quarry access gate is located.

7.50 Approximately 0.27 hectares of woodland including some of the mature trees and scrub vegetation, which are subject to a TPO, would be removed to create the access road, currently provide effective screening of the site. Whilst the new location of the access road aims to retain the boundary trees concern is expressed as the physical construction of the access and visibility splays may actually result in the loss of more trees than envisaged due to root and wind damage. This could result in a negative visual impact in the short term during the construction of the access road. The associated vehicle movements and weighbridge may also have negative impacts, particularly on tranquillity of the local area. However, as this northern part of the site is outside the AONB, it is not considered that these impacts would be significant from a landscape point of view. Furthermore, the quality of the existing woodland is considered to be poor and is not subject to management. Should planning permission be granted, additional woodland planting would be carried out along the western perimeter of the site, and replacement planting and gapping up along the access road would be carried out. This planting would be subject to aftercare that would be secured by condition and the extended management would be secured by section 106 agreement. It is considered that, in the long term due to the proposed management, the quality of the woodland would be improved.

7.51 A detailed survey would be required prior to the construction of the access road to establish what vegetation can be reasonably retained along with a scheme detailing root protection zones and a tree protection plan. Advanced planting and gapping up of trees is proposed, the details of which would be required by condition. Furthermore, the western boundary of the site would be planted in phase 1 to mitigate views from Public Footpath 34 to the west of the site. Whilst it is considered there would be a negative visual impact in the short term as a result of vegetation removal to construct the access road and associated operational vehicle movements, it is considered that with proposed management and aftercare and additional tree planting as part of the final restoration there would be

a positive impact in the medium and long term from a visual impact perspective. Operations from the proposed development would not punctuate the sky line and there would be an overall increase in woodland planted as part of the restoration scheme with a formalised management regime that would be monitored annually throughout the operational phase of the restoration and the proposed 15 year aftercare period.

7.52 The loss of an area of woodland to for the construction of the access road and visibility splays is a concern. However it is apparent that the woodland is of a poor quality and lacking in age structure and species diversity. The proposal therefore represents a good opportunity to manage the existing woodland habitat to make it more varied and robust. The woodland edge habitat would also be increased with the formation of the road. The proposed woodland planting within the quarry would form an attractive mosaic of habitat and takes into account the presence of bats. The species mixes for the planting would need to be agreed required by condition. A detailed landscaping would be required giving species, sizes, numbers, method of protection, location of trees/shrubs to be planted along with phasing.

7.53 The JAC are supportive of the principle of restoring this inactive quarry and subject to satisfactory measures to mitigate for the impacts on protected species and the geodiversity interest of the site which will be examined subsequently.

7.54 NRW have acknowledged the justification that the final landform as proposed is more in keeping with the AONB to include phase 5 of the proposal rather than requiring the restoration to conclude after phase 4 as this would create a deep valley feature which is not in keeping with the landscape character of the area. Whilst trees would be lost as a result of the proposal, the proposals include replacement tree planting as part of both initial planting and restoration planting. No artificial lighting is proposed which would be conditioned.

7.55 As such, having considered the LVIA, additional information, additional tree planting and realigned road location, it is considered that the proposal would not have an adverse impact on the landscape character of the surrounding area. Whilst the construction of the access road is likely to have a negative impact on views from the north of the site in the short term, there will be a positive impact in the medium and long term once the road has been constructed and planting established. A woodland designation TPO dating from 1988 affects the site. The TPO covers the majority but not all of the woodland and also includes areas devoid of trees. Therefore the TPO designation, on its own, has not been relied upon to determine the most valuable areas of woodland on the site and any potential effect the proposals will have on it. As such the proposal complies with Policies STR7, GEN1, L1, L2, TWH1, TWH2, TWH3, EWP8,

EWP13 and MIN2 of the FUDP.

7.56 ***Nature Conservation, Designated Sites and Protected Species***
The proposal is located entirely within the boundary of the Cambrian Quarry SSSI. The SSSI was designated in 2011 because of its special biological interest for its large population of hibernating lesser horseshoe bats. The bats use the silica mine workings that run beneath the north eastern part of the old quarry area and beneath the fields to the east of the site.

7.57 The application site and surrounds have been extensively surveyed since 2007 for bats, great crested newts, breeding birds, badgers, butterflies, reptiles and dormice. The survey confirmed the presence of 5 species of bat namely lesser horseshoe bat, Daubenton's bat, whiskered/Brandt's bat, common pipistrelle bat and soprano pipistrelle bats (and there are historic records of long eared bat) and great crested newt. Additional surveys have been undertaken in respect of reptiles, nesting birds, butterflies and badgers. It is considered that these surveys and assessments are satisfactory for the purposes of informing the determination of the proposal.

7.58 The proposal would result in the impact on both habitats and fauna. There would be a temporary loss of calcareous grassland, two ephemeral and one permanent pond where great crested newts and other amphibians have been recorded in the void, the new access road would result in the loss of woodland habitat and this would also have an impact on an entrance to older underground workings which are a known hibernation site for lesser horseshoe bats and other bat species. The site also has the potential to support badgers and works would occur within 30 metres of known setts. Therefore, the proposal will have an impact on European protected species and their habitats and nature conservation, other protected species and habitats.

7.59 The following mitigation measures are proposed:

- The creation and management of ponds in the north of the site, to provide habitats for Great Crested Newts and other amphibians.
- A prohibition on the use of vehicles on land above the old silica mine workings.
- The preservation and protection of mine entrances used by bats.
- One mine entrance may be temporarily disturbed during the construction of the new internal access road but mitigation measures have been proposed which would be conditioned
- Reasonable avoidance measures during tree felling
- No artificial lighting will be used on the site
- Working hours are to be restricted to daylight hours and to include control of other activities carried out within the site and the use of no artificial lighting secured by section 106 agreement
- Speed limit on the access road
- Vibration monitoring
- Monitoring for potential badger activity

- Creation of a new potential maternity roost in an old building in the north of the site in the first year of the development
- Comprehensive habitat management proposals for the whole site
- Restoration of the quarry to woodland with open glades and wetland areas with some calcareous grassland to optimise habitat connectivity for bats and newts.
- A 15 year Management Plan for the whole site
- Submission of an ecological and geological compliance audit
- Implementation of bio-security risk assessment

7.60 It is considered that, with all mitigation measures in place, the development would not have an adverse impact on European protected species, the SSSI or other nature conservation interests. The restoration and management proposals have the potential to have a positive impact on the biodiversity of the area and would be managed for 15 years which would be secured by a section 106 agreement and the above mitigation measures would be conditioned.

7.61 Concerns have been expressed with regards to the protection of bats and flood risk in relation to a mine entrance which is located at the north east of the quarry void. The landform has been designed to ensure that surface water would drain away from the mine entrance. Only a small amount of water would drain towards the mine entrance and there would be a drainage sump installed to ensure that there would be no flooding of the underground mine. The final restoration landform was designed to take account of the recommendations of the Flood Consequences Assessment (FCA) which is examined in more detail in a subsequent section of this report.

7.62 The proposal has the potential to cause disturbance to bats and great crested newts and is considered likely to cause the loss or damage to their breeding sites or resting places. However, it is considered that the proposal will not be detrimental to the maintenance of the favourable conservation status of those populations of European Protected Species present at this site provided any consent is subject to a number of planning condition/obligations in respect of Bats and the great crested newt. An Article 16 Derogation test, in line with the requirements of TAN5 and Regulation 53 of the Conservation of Habitats and Species Regulations 2010 has been carried out. The conclusion is that the proposal would meet the relevant tests, subject to the mitigation proposed and that there is sufficient information submitted in the application to allow a decision to be made. If all the conditions and obligations are implemented as recommended, it is considered that there would be no impact on the Favourable Conservation Status of bats or great crested newts. NRW have not objected to the proposal subject to a number of conditions. The applicant would have to apply to NRW for EPS licence and a badger licence before works commenced and further information would be required in relation to reasonable avoidance measures and surveys.

7.63 The main objective of the restoration proposals, aftercare and subsequent management are to ensure the long term management and functionality of the site for its population of bats, newts and other nature conservation interests. The site is proposed to be restored to woodland with glades and wetlands. A final detailed restoration scheme and planting mix would be agreed prior to the completion of the final phase. It is considered that the restoration scheme would benefit the lesser horseshoe bats in the long term and would ultimately mitigate for the loss of tree cover to the new road. The new internal access would also be reduced once the restoration has been completed. A detailed scheme would also be required by condition.

7.64 The applicant is offering to manage the site for a total period of 15 years after completion of restoration which would ensure that the aspirations of the restoration are successful and it would be secured by a section 106 agreement. The initial five years would be the statutory aftercare requirements. Subsequently, the habitats would be then managed for a further 10 years thus providing a total of 15 post restoration management.

7.65 Whilst NRW have requested that the applicant enter into a legal agreement to manage the site in perpetuity, it is considered that it would be unreasonable to request such an undertaking and should the landowner wish to change the use of the site in the future, the appropriateness of this would be determined on its own merits through a subsequent planning process. As a compromise, NRW have requested a 20 year post restoration management period. However, it is considered that a period of 15 years extended management would ensure that the restored habitats would be properly established to maximize their biodiversity potential.

7.66 The applicant has provided an Outline Management Plan (OMP) which provides for the long term management of both the existing habitats within the quarry site which are to be retained and the restored habitats. Management of the retained habitats, that would not be affected by the infilling, would start at the commencement of development and continue through the operational phase and the 15 years post restoration. The OMP has been extended to cover all the land within the Cambrian Quarry area which is within the control of the applicant which includes the new internal access road and much of the woodland in the north of the quarry void.

7.67 The detail within the OMP would therefore need to be amended to ensure it reflects the variations proposed following the consultation and extends to the entire site. A detailed management plan of retained habitats would be required prior to commencement of development and a detailed management plan of restored areas would be required by condition prior to the completion of restoration

7.68 Minerals Planning Policy Wales suggests that to address the uncertainty of local communities about the completion of restoration proposals, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that the site will be restored properly and in a reasonable time period. However, Minerals Planning Policy Wales also states that properly worded and relevant planning conditions should be able to secure the restoration, aftercare, and after-use of mineral sites. Restoration bonds would normally be considered for extraction applications where progressive restoration is proposed. This application is to facilitate the restoration of the quarry and the aftercare and management proposed would not be financially resource intensive. As such it is considered that the proposed conditions and section 106 agreement in relation to restoration, aftercare and management would ensure that the site is restored and properly managed post restoration and a financial guarantee would not be required.

7.69 The restoration offers the potential for a positive impact on biodiversity as at present the site is not being managed and stronger scrub species are dominating the calcareous grassland. In summary, the mitigation and management measures proposed and extended 15 year management post restoration is considered to enhance the biodiversity, including protected species, in the long term. A management plan is proposed to develop and maintain habitats for protected species. It is considered that whilst there would be a loss of existing habitat to facilitate the restoration, in the long term, there would be a positive impact on biodiversity as existing habitats are being lost and overgrown due to lack of management. Any habitats that would be lost as a result of the proposal would be replaced and managed for 15 years. Some habitats will be managed from the commencement of development. As such it is considered, on balance, the temporary loss and disturbance of nature conservation interests would be outweighed by the long term benefits that would be afforded by the proposed extended management. On balance, the proposal accords with the provisions of TAN 5 and Policies STR7, GEN5, WB1, WB3, WB6, EMP8 and EWP17 of the FUDP.

7.70 ***Geodiversity***

Cambrian Quarry is designated as a Regionally Important Geodiversity (RIG) Site for its palaeontology and stratigraphy. The main feature of interest is an exposure of ancient soil and trace fossils towards the base of the quarry void along the eastern face which is not known to be exposed anywhere else in North East Wales. Should planning permission be granted, this would be hidden and it is uncertain whether this geological feature is exposed elsewhere within the quarry as no extensive surveys have been undertaken as part of the application.

7.71 The applicant has proposed a number of mitigation measures which include: A pre-fill study, detailed geological and palaeontological

mapping, collection, and recording and collation of samples which would be required by condition to record the important horizon. Whilst the trace fossil would be hidden as a result of the restoration, it is considered that the scope of the proposed study is satisfactory.

7.72 NEWRIGS do not object to the proposal. Whilst the loss of the important horizon is unavoidable, the trace fossils would be hidden and preserved in the restoration. The pre-fill study would record the important features, and it is considered that the need to restore the site to stabilise the quarry faces and create a stable and sustainable landform for future after use would outweigh the need to be able to physically see the RIG. The loss of the RIG alone would not warrant a reason for refusal as the need to stabilise the quarry would outweigh the need for the restoration of the site. On balance, the proposal is not contrary to Policy WB4 of the FUDP.

7.73 ***Vibration***

A number of responses to the application have queried whether vibration from the operations could adversely affect the stability of the quarry faces and the old mine workings or the structure and amenity of residential properties in the vicinity of the quarry. The vibration assessment that has been carried out demonstrates that vibration from the proposed operations at Cambrian Quarry would not have an adverse impact on the stability of the quarry faces or the stability of the underground mine workings or cause damage to nearby properties. Consequently, there would be no adverse impact on the lesser horseshoe bat colony within the old mine workings. The predicted levels of the vibration from the recycling plant and associated mobile plant would be within the limits of typical day to day background vibration levels. This already low level of vibration decays rapidly with distance from the source and therefore would not adversely affect the stability of residential properties in the vicinity of the quarry or their amenity.

7.74 Vibration measurements have confirmed minimal disturbance by mine entrances. Should planning permission be granted, a condition would require vibration monitoring to be carried out when recycling operations commence in the northern part of the quarry to ensure that there would be no impact of the operations on mine entrance 3. Subject to vibration monitoring there are no reasons on grounds of vibration impacts to refuse this application and there is no conflict with Policies EWP8, EWP13 and GEN1 of the FUDP. Furthermore, the main objective of the proposal is to ensure the long term safety of the site in compliance with Policy EWP15 of the FUDP.

7.75 ***Impact of historical tipping and land contamination***

Concerns have been made with regards to the impact on the historical tipping of industrial and hazardous wastes on site associated with the extant planning permissions which could cause pollution if the former tips are to be disturbed.

7.76 Evidence has been provided within the application which states that no records have been found to confirm the nature of the materials that have been tipped at Cambrian Quarry or the exact location of the tipped materials. The locations of the planning permission areas are however known and it is understood, from discussions with the landowner, that most of the tipped materials are located immediately north of the northern rim of the quarry void. This area is now vegetated with grass, scrub and trees and no tipped materials are visible. The landowner is not aware of any tipping having taken place in the 1962 tipping permission area. Consequently, the proposed development has been designed to avoid the need for any excavation in the area to the north of the quarry void. The proposed new access road would not be constructed within any area which has been previously tipped.

7.77 The vibration assessment demonstrates that vibration from the proposed operations at Cambrian Quarry will not have an adverse impact on the stability of the quarry faces or the stability of the underground mine workings. Therefore, it is considered that the same conclusion would apply to the previously tipped areas which would not be physically disturbed and which have been made stable by natural regeneration and root systems.

7.78 The proposed development has been designed to avoid former tipped areas and therefore the previously tipped materials would not be disturbed as a result of the proposed development. Furthermore, NRW and the Council's Head of Public Protection who advise on matters associated with land contamination and potential source pathways for pollution have not objected to the proposal. There are no reasons associated with impact on the previously tipped land to refuse this application and it is considered that there is no conflict with Polices EWP11, EWP12 and EWP 14 of the FUDP.

7.79 ***Highways, Traffic, Transportation and Access***
Objections to the proposal have been raised by local residents in relation to the increase in HGVs, highway and junction capacity constraints, the new access road and associated safety concerns.

7.80 The context for consideration of highways impacts of development in open countryside is set out in Planning Policy Wales, which refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on planning applications. Flintshire's UDP Policy AC13 states that development will be only permitted if approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and

amenity; and safe vehicular access can be provided any the developer both to and from the main highway network.

7.81 Calculations within the Transport Assessment (TA) have been undertaken on the worst case scenario. The maximum number of loads per day would be 75 vehicles, 150 movements per day. Evidence presented in the application concluded that the A494 (T) is operating well below its theoretical capacity limits, has an excellent safety record, and can accommodate this number of vehicles. The TA shows that the generated traffic would represent only a very small increase in existing background traffic movements using the local road network, and consequently the proposals would not be predicted to result in any detriment to the performance of the public road network or to have any negative impact on residential amenity and pedestrian safety.

7.82 Based on the proposed importation rates there would be on average between 28-38 loads (56-76 movements) per day; or 3-4 loads (6-8 movements) per hour. It is considered that the wider road network has sufficient capacity to accommodate this minor increase in HGV movements.

7.83 The existing quarry access off Glyndŵr Road is considered unacceptable to accommodate HGVs for the proposed development as it is very steep (1 in 4) and visibility is very poor. As a result, a new access is proposed to serve the site and this would result in access being to a much higher standard than would be attained by continuing to use the existing access arrangements. The proposal includes a new junction to the site which is closer to the A494 than the existing one and widening of part of Glyndŵr Road between the proposed access and the A494. The future access arrangements would thereby result in associated site traffic using a much shorter length of Glyndŵr Road when compared with the existing arrangements. The proposal aims to significantly improve the standard of access afforded whilst minimising alteration to Glyndŵr Road so as to retain its existing rural character.

7.84 However, whilst the new access would offer significant improvements compared to that of the existing, this new access road has raised a number of concerns in relation to the safety of users of Glyndŵr Road in relation to the width of the access road, its steepness, the proximity to the junction with the A494 and the visibility.

7.85 Concerns have been raised with regards to the suitability and capacity of the A494 and Glyndŵr Road Junction. Objectors have stated that the proposal will have an impact on the free flow of traffic on the A494 and the potential for slow moving HGVs and queuing HGVs on the public highway waiting for HGVs to access the site. However, improvements including road widening of Glyndŵr Road would allow two HGVs entering and exiting Glyndŵr Road and the

site without crossing the centreline of Glyndŵr Road. It is considered that the proposed new junction arrangement would provide an improved situation for all road users. It allows the coincident two way use of the A494 junction by HGVs and improves the visibility to the right for vehicles exiting the Eagles and Crawford coach depot. There would be no need to use the existing access further up Glyndŵr Road and this would be blocked up but a proportion of the space retained to provide a passing space on Glyndŵr Road. Furthermore, the new internal access road has been designed to accommodate up to 4 HGVs queuing to get into the site which would remove queuing HGVs off the public highway.

7.86 The revised design of the new internal access provides for a steady gradient along the access road of approximately 1:10 with the first 20 metres of the access road being shallower at 7% (1:14). All of these gradients are substantially less than the existing quarry access onto Glyndŵr Road (which is approximately 1:4) and are considered to be safe and adequate for a private access road to be used by road HGVs. The proposed gradient of the new internal access road is in line with the Health and Safety Executive guidance.

7.87 Concerns have been raised in relation to the internal access and safety of users of Glyndŵr Road. The majority of the access road would be set in a cutting and the road design provides for a physical separation between the access road and Glyndŵr Road along its full length. HGVs travelling downhill around the hairpin would be travelling in a cutting with a retaining gabion wall between them and Glyndŵr Road. Current safety breaking systems on HGVs mean that a runaway HGV is almost impossible but this design would provide a substantial safety barrier for HGVs travelling around the hairpin. A more detailed scheme providing the specifications would be required prior to its construction for approval.

7.88 HGVs entering the site and travelling uphill would have priority over HGVs leaving the site. HGVs travelling downhill would be controlled by traffic lights so would have very little momentum when approaching the hairpin. In addition, a site speed limit of 10 miles per hour would be imposed on all vehicles.

7.89 The internal access road is designed with a camber to the inside so that water would shed into a drainage ditch which runs along its full length to a soakaway. This would prevent standing water which could otherwise freeze on the road during freezing conditions. The access road would be gritted during icy conditions prior to use by any HGVs and can, therefore, be maintained in a safe condition during icy periods. The Council is responsible for gritting the public highway and Glyndŵr Road is a Priority 2 route and it is hand gritted initially after reports are received if the road is icy. The proposal would not increase the risk of icy road conditions in the winter.

7.90 Concerns have been raised with regards to the 70 metre visibility splay provided to the east of the proposed access onto Glyndŵr Road and its adequacy. It is considered that, the proposed access would provide significantly improved visibility when compared with that afforded from the existing access which is less than 20m. Whilst Glyndŵr Road is signed as being to the National speed limit (60 mph) from a point 30m away from the A494, observation would however suggest that in reality the alignment and width of the road result in drivers generally traveling at much lower speeds than the theoretical legal limit. Whilst 60 mph is the speed limit this isn't a target speed and due to the steepness of the road, the road alignment and the proximity to the T-junction with the A494, drivers approach the T-junction with caution. Vehicle speeds along Glyndŵr Road are low as they are constrained by the road alignment. The quarry access proposals aim to provide a balance between retaining the existing character of Glyndŵr Road and also to avoid the counterproductive scenario whereby greatly increased visibility (along Glyndŵr Road) could lead to increased speeds. With this in mind it was considered that the provision of splays to the National speed limit would not be appropriate and hence the proposed design indicates a suggested minimum visibility splay of 70 metres, which is the desirable minimum stopping sight distance for 30mph outlined in TD9 of the 'Design Manual for Roads and Bridges'.

7.91 Furthermore, TAN 18 recommends that over-engineered access standards should be avoided where possible. The design and standard of such access roads should have regard to the local surroundings, and to fitness of purpose. The location of the site is rural and in the open countryside and the provision of visibility splays and the application of the standard set in national policy should be considered in the context of landscape/visual impact. As such, it is considered that the visibility proposed at the new access is acceptable and would not harm the rural character of Glyndŵr Road whilst providing the suggested minimum visibility splay of 70 metres.

7.92 Objectors have suggested that the junction width and visibility between Glyndŵr Road and the A494 are not adequate and have compared them with other quarry access roads in the locality which are accessed from the A494. TAN18 confirms that visibility at junctions on 40 mph roads should be provided for 120m along the main road from a point 2.4m back into the mouth of the side road. Visibility in each direction along the A494 from 2.4m back within the side road is in excess of these requirements. Submitted swept path analysis demonstrates that with the proposed road widening, the mouth of Glyndŵr Road where it meets the A494 would be of sufficient width to accommodate two way use of the A494 junction by HGV. Furthermore, accident records confirm that there have been no reported accidents at this junction in the past five years

7.93 Local objectors have illustrated that Glyndŵr Road is not wide

enough to accommodate coincident two way HGV traffic. Should planning permission be granted, Glyndŵr Road would be widened to a width of between 8 and 10 metres for the first 35 metres from the A494 up to the new access road and HGVs associated with this proposal would not be required to use the narrow section of Glyndŵr Road as the old access would be closed and no longer in use. Furthermore, local traffic using Glyndŵr Road would benefit from the proposed highway improvements of road widening and a passing bay which would not be provided should the planning application fail.

7.94 A number of concerns have been raised in relation to the proposal with regards to access and the use of Glyndŵr Road in comparison to the traffic management which was alleged to be required by condition at neighbouring Eagles and Crawford coach company when planning permission was granted. As part of planning permission 041585 for Eagles and Crawford, conditions required a scheme to be submitted to include the erection of signage and installation of traffic flaps to direct traffic to egress the site onto Glyndŵr Road to prevent egress onto A494. However, as stated within the Planning and Development Control Committee report dated 14 February 2007, *"these access provisions cannot be enforced by planning condition as the highway land is not within the control of the applicant. Neither would a planning obligation be appropriate in these circumstances. Therefore the implementation of the proposed access provisions would have to rely in part on the stated intention of the applicant be taken on trust with the applicant."* As such, the one way system is operating on a purely voluntary basis. Signage has been erected at the access points but no traffic flaps have been installed. The requirements of one planning permission would not be material to the determination of another as each application has to be determined on its own merits. The proposed works would also increase the amount of visibility afforded along Glyndŵr Road for drivers using the exit from the nearby Eagles and Crawford coach depot and thus would improve safety.

7.95 The Council's Head of Highways and Transportation have not objected to the proposal. Subject to the North and Mid Wales Trunk Roads Agency, and for the reasons set out above it, is considered that the proposal accords with the provisions of Policy AC13 of the Flintshire UDP and TAN18.

7.96 ***Public Rights of Way and public access***
Public footpath 34 abuts the site but appears unaffected by the development; FCC PRoW officer has made no observations in relation to the application. The proposal does not include any public access.

7.97 ***Hydrology, Hydrogeology and drainage***
The site lies within the catchment of the River Alyn, with the nearest surface watercourse potentially receiving drainage from the site

being approximately 1 km southeast of the site and the prevailing surface water drainage direction being eastwards. Geology comprises sandstones of the Cefn-y-Fedw Formation underlain by limestones of the Minera Formation, which are in turn underlain by limestone of the Cefn Mawr Formation. The quarry has removed a significant thickness of the Minera Formation. The region contains significant metalliferous mineralisation which was extensively mined underground in the 19th century. The Minera Formation is classified as a Secondary 'A' aquifer.

7.98 The underlying Cefn Mawr Limestone is a Principal Aquifer. The groundwater regime is anticipated to be heavily controlled by drainage through old underground mine workings, the nearby Milwr Tunnel and fractures from the Minera Formation down into the underlying Cefn Mawr Formation. This is a potential route for contamination to reach an Aquifer. There is no visible groundwater present in the quarry void. There are no groundwater level or groundwater quality records for the site or the surrounding area. It is expected that the Minera Formation will continue to be drained by former mine workings and that the quarry void will not contain significant groundwater in the short or long-term following infilling.

7.99 The submitted Flood Consequence Assessment (FCA) concluded that the overall risk to groundwater and surface water flooding as a result of the proposed development is low to negligible. NRW are satisfied that the content of the FCA has addressed all sources of flooding and it identifies measures required to ensure that the restoration works would not increase risk elsewhere for now and future generations.

7.100 Measures relating to surface water drainage have been submitted as part of the proposal and should planning permission be granted NRW have recommended a condition be attached in relation to the requirement of a scheme for the provision and implementation of a surface water regulation system. The FCA demonstrates that the landform has been designed so that water would drain away from the mine entrance within the quarry void and it concluded there would be no risk of flooding and therefore the bats should not be affected.

7.101 Local residents have expressed concerns with regards to the nature of the material proposed to be imported which may give rise to pollution of the water environment and that the EIA should have addressed ground water protection. Some objectors have also questioned why the applicant hasn't been required to include details of landfill engineering that would be required to protect the ground water environment.

7.102 Only inert waste material would be imported, processed and deposited in the quarry void. As discussed previously NRW have accepted that Phases 1-4 would be considered to be recovery

operations. Should planning permission be granted, and should NRW not accept the final phase to be a recovery operation then phase 5 would need to meet different permitting requirements. A liner would be required. The precise details of the geological barrier are a matter for NRW and would be a condition of the environmental permit. As the proposal is for an inert infill, no additional infrastructure such as leachate capture or landfill gas infrastructure would be required.

7.103 Should planning permission be granted, the applicant will be required to secure an Environmental Permit under the Environmental Permitting Regulations (2010) from NRW which will provide an additional layer of regulation. When NRW assess the application for a permit, they will set conditions within the permit to ensure any emissions and discharges are at a level that would not result in significant impact on people and the environment. If the applicant cannot demonstrate this then the application will be refused. As the proposed facility is within a SSSI, and within 250 metres of other potentially sensitive receptors, the application will need to submit a site specific risk assessment within their permit application and provide details for their proposed measures to control impacts on the SSSI and local amenity.

7.104 Should planning permission be granted, before the site can accept and process waste, the applicant would be required to produce an Outline of Management Systems, Waste Recovery Plan and Written Management System, which would be submitted as part of the permitting process. This would provide a range of procedures and documentation to ensure that waste is only accepted for disposal if it is within inert specification and a number of other measures to ensure that the environment is protected.

7.105 It is considered that issues relating to water quality will be addressed via the environmental permit and measures to ensure surface water is regulated would be secured by condition. It is considered that the proposal is compliant with Policies GEN1, STR1, STR7, STR10, EWP8, EWP11, EWP16 and EWP17 of the FUDP which provide the guiding policy in relation to water quality, drainage and flood risk.

7.106 ***Noise***

A noise assessment has been carried out by independent noise consultants and takes account of current guidance in MTAN1 (2004) and Mineral Planning Guidance Note 11. TAN11 (1997): Noise does provide advice on how the planning system can be used to minimise the adverse impact of noise, and it also provides advice on noise from landfill waste disposal sites. However, whilst the proposal is not a mineral extraction operation, the proposed engineering operations are akin to that of the activities that take place within quarry sites and MTAN1 provides advice on noise limits from the proposed types of activities which is relevant to this application.

7.107 Monitoring of existing recycling plant has been used to predict noise output, suggested mitigation and limits associated with the proposal. Mitigation measures includes locating the recycling plant within the quarry void initially during phase 1 at the most southerly location and then subsequently moved to the north of the site but no higher than 282m AOD within the quarry void (below the quarry rim) and also extending the existing screen mound which runs along the southern half of the eastern edge of the quarry void as far north as possible. Other mitigation measures have been proposed and these all would be conditioned.

7.108 With these mitigation measures in place, the assessment demonstrates that noise from the proposed development would be within the noise limits suggested by MTAN1. Noise limits have been proposed in accordance with the guidance contained in MTAN1, based upon a limit 10 dB(A) above the typical background noise levels and would be set at 45 dB LAeq, 1 hour Freefield at noise sensitive properties along Glyndŵr Road to the east of the quarry, and 55 dB LAeq, 1 hour Freefield as measured at The Old Chapel or Sharma. During periods of noisier activities, for all temporary operations, an assessment criterion of 67 dB LAeq, 1hour freefield, has been adopted for the assessment as per the requirements of the MTAN 1 guidance.

7.109 Noise limits would be conditioned accordingly in line with national policy and ongoing noise monitoring during the development would be required by condition to ensure that noise is maintained at the lowest possible level.

7.110 Concerns have been raised in relation to noise and the noise reflection from the western faces of the quarry should be considered. The western faces of the quarry are not at a steep angle, unlike the eastern face closer to the dwellings on Glyndŵr Road. Whilst there is the potential for some noise reflection off the western slopes, the relatively shallow angle of the slopes will ensure that any reflected noise is directed more vertically and will not be directed towards the properties on Glyndŵr Road. Furthermore, any sound reflected would need to travel approximately double the distance to the closest properties compared to the direct sound path and this additional distance would reduce noise levels by up to 6dB(A). Consequently, any reflection from the western slopes would have minimal influence on the calculated noise levels which take account of the closest items of plant operating on the eastern boundary of the site.

7.111 Concerns have also been raised with regards to the noise calculations presented in the assessment at the Old Chapel in relation to noise generated from traffic. Now the internal access road is proposed to be located further into the site, within a cutting and a boundary wall constructed, this would provide more noise attenuation

than originally proposed and would be within acceptable limits.

7.112 In summary, the noise assessment demonstrates that noise from activities associated with the application would be within acceptable limits, and conditions would seek to minimise potential disturbance to the occupants of surrounding properties.The County Council's Head of Public Protection and NRW have not objected to the proposal subject to the imposition of planning conditions controlling noise with regards to limits, monitoring, mitigation measures and hours of operation. As such, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies GEN1, EWP6, EWP12 and EWP13 of the FUDP.

7.113 ***Dust and Air Quality***
Concerns have been raised in relation to dust. The dust impact assessment identifies potential sources of dust arising from the proposed recycling operations and infilling/restoration and also haulage of materials within the site. The potential impact of dust from these operations at nearby sensitive receptors, which comprise residential properties and the vegetation within the SSSI was assessed by evaluating the magnitude of a potential impact and the probability of the impact occurring.

7.114 A range of operational and site management mitigation measures are proposed to minimise the risk of dust emissions beyond the site boundary. The assessment concludes that with the implementation of mitigation measures there would be no significant impacts from deposited dust at any sensitive receptor. It also concludes that PM10 emissions are very unlikely to cause any exceedance of National Air Quality Objectives.

7.115 The County Council's Head of Public Protection and NRW have not objected to the proposal subject to the imposition of planning conditions ensuring the proposed dust mitigation measures are implemented as proposed so that adequate steps are taken to prevent dust causing a nuisance beyond the site boundary. As part of the Environmental Permitting application the applicant will need to demonstrate how pollution to the environment or harm to human health will be prevented. Any crushers used on site would be permitted under a separate licence. As such, subject to conditions to ensure that dust is minimised, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies GEN1, EWP6, EWP12 and EWP13 of the FUDP.

7.116 ***Residential Amenity***
As identified previously, there are a number of properties in relatively close proximity to the quarry void and the proposed new quarry access road. Local residents, the Local Member and the Community Council have raised concerns in relation to the proposal as they feel both the restoration and the recycling operation would have a

detrimental impact on the residential amenities of the surrounding area from excessive and unacceptable noise and dust of the operations and traffic generated.

7.117 As there is limited activity occurring at present on the site, should planning permission be granted it is likely that any increase in activity on site would be noticeable by local residents surrounding the site. Therefore, it is likely that there would be some degree of impact on the residential amenity as a result of increased activity at the site both onsite from operational and restoration activities and offsite from an increase in HGV traffic.

7.118 TAN21 advises that where a proposal would cause adverse impacts on amenity, and the problems cannot be mitigated to an acceptable standard by conditions, planning permission should be refused. As discussed above, it is considered that dust and noise can be controlled adequately by mitigation, management and control limits, and that the highway network has sufficient capacity to accommodate the proposed movements. As such, it is considered that there would not be an adverse impact on amenity as the predicted impacts could be adequately controlled by condition. Therefore, the proposal would accord with the provisions of TAN21, and Policies GEN1, EWP6, EWP12 and EWP13 of the FUDP

7.119 ***Odour, Litter and Vermin***

All materials brought into the site for restoration and recycling would be inert in nature and would be solid, dry, non-hazardous soils, subsoils, clays, stone, concrete, brick, tiles and rubble. These materials would present a very low risk of producing odour, creating litter or attracting birds and vermin. Comprehensive management systems would form part of the requirements of the Environmental Permit for the site and would be set out in detail in the Waste Management System that will be required under the Permit should planning permission be granted. It is considered that there would be no conflict with Policies GEN1, EWP8, EWP12 and EWP13.

7.120 ***Community and Employment***

The proposed development would employ up to 7 staff at the site. Two or three of these are likely to be existing staff currently operating from other sites in the area and four or five are expected to be new posts which would provide new jobs in the local area.

7.121 The applicant is supportive of forming a Liaison Committee for Cambrian Quarry, which would provide a formal forum for liaison with the local community. The applicant would also ensure that the Community Council and local residents are able to make direct contact with the site manager as and when required, so that more informal, day to day contact is possible for the local community. Should planning permission be granted, a condition would require a scheme setting out the terms of reference of a liaison committee.

8.00 CONCLUSION

8.01 The proposal involves the importation of inert waste material to be used in the restoration of Cambrian Quarry to ensure that the quarry faces are safe and a stable landform is created. The applicant has demonstrated that the site needs to be restored to for stabilisation and for landscape reasons with the minimum amount of material necessary for an acceptable landform which is in line with national policy. The restoration would be ensuring a beneficial use of waste material that cannot be recycled and reused elsewhere. Re-usable inert material that could be used offsite would be exported to be used as a resource elsewhere. This is supported by the waste hierarchy, the national waste strategy and national landfill diversion targets. Whilst landfilling of inert waste material is generally unacceptable, the applicant has demonstrated exceptional circumstances and it is considered to be acceptable at this site to ensure that the quarry faces are stabilised and that an acceptable landform is achieved with the minimum amount of material. Furthermore, national policy recognises that there will still be some need for landfill capacity for inert construction and demolition waste in which the region is currently lacking. As the Welsh Government targets to require more recycling increase, suitable sites will be required. It is accepted that quarry sites are appropriate locations for waste management activities and subject to compliance with the other policies in the development plan should be approved.

8.02 It is considered that the highway network could accommodate the proposed vehicle movements and the new access improvements, road widening and access road would facilitate safe access and egress into and out of the site.

8.03 Whilst the proposal would result in loss of woodland and other habitat, the proposed mitigation, restoration and extended management would have long term benefits in terms of nature conservation and landscape and would not adversely impact on the AONB. Whilst there would be a loss of existing habitat to facilitate the restoration, it is considered that, in the long term, there would be a positive impact on biodiversity as existing habitats are being lost and overgrown due to lack of management. Any habitats that would be lost as a result of the proposal would be replaced and managed for 15 years. Some habitats will be managed from the commencement of development. As such it is considered, on balance, the temporary loss and disturbance of nature conservation interests would be outweighed by the long term benefits that would be afforded by the proposed extended management.

8.04 The Council has had regard to the derogation tests applicable to the European designated sites, European protected species and habitats, and is satisfied that there would be no significant adverse impacts, which would be capable of negatively affecting the features

of interest, range, population, or favourable conservation status.

8.05 This is a significant proposal with complex issues which must be carefully weighed, and determination should as ever be in accordance with the development plan, unless material considerations justify a different conclusion. There is potential for impact on residential amenity as a result of the proposal, however, measures to mitigate them have been proposed and would be conditioned to ensure acceptable levels which would not cause unacceptable harm or nuisance.

8.06 In considering this application the Council has taken into account all the environmental information and matters that are material to the determination of this application, as set out in the Application, Supporting Statement, Environmental Statement, and the additional information requested by the Council under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The ES has considered and assessed the impacts of the recycling and infilling operations, restoration and management, the construction of an access road, with regards to landscape and visual impacts, ecology, transport, noise and vibration, air quality, stability, hydrology, trees, employment and rural economy, recreation, cultural heritage, odour, litter, birds and vermin, and lighting.

8.07 In considering this application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

8.08 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above and to the applicant entering into a Section 106 legal agreement to provide 15 years post restoration management of habitats; effectively to revoke existing minerals and waste consents; and to ensure current operations on site which are not within the application site adhere to proposed hours of operation and provide no external artificial illumination; there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted.

8.09 If the Section 106 Obligation (as outlined above) is not completed within 6 months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application

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