

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **7 SEPTEMBER 2016**

**REPORT BY:** **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**SUBJECT:** **APPLICATION FOR A LATERAL EXTENSION TO EXISTING QUARRY, EXTENSION OF TIME TO 2023 AND THE ERECTION OF STATIC SCREENING PLANT IN THE QUARRY VOID AT MAES MYNAN QUARRY, AFONWEN**

**APPLICATION NUMBER:** **054707**

**APPLICANT:** **BREEDON AGGREGATES ENGLAND LIMITED**

**SITE:** **MAES MYNAN QUARRY, AFONWEN, CH7 5UB**

**APPLICATION VALID DATE:** **10/12/2015**

**LOCAL MEMBERS:** **COUNCILLOR JIM FALSHAW**

**TOWN/COMMUNITY COUNCIL:** **CAERWYS TOWN COUNCIL**

**REASON FOR COMMITTEE:** **NEW NON-RESIDENTIAL DEVELOPMENT WHERE THE SITE AREA EXCEEDS 2 HECTARES**

**SITE VISIT:** **NONE REQUESTED**

**1.00 SUMMARY**

- 1.01 The proposal relates to Maes Mynan Quarry, an active sand and gravel quarry located in the village of Afonwen. The application involves a lateral extension in an easterly direction, an extension of time from 2018 to 2023, and the continuation of use of static plant on site. The application also proposes a continuation of the importation of inert materials to achieve the permitted and proposed restoration profile. The progressive restoration proposed for the site would return the site to meadow grassland with areas of woodland edge and tree planting, scrub vegetation, and marginal aquatic species located around a waterbody with wetland scrapes for nature conservation purposes and amphibian mitigation.

- 1.02 The application is partially retrospective as the applicant/operator is currently extracting sand and gravel in the extension area as the previous operator had been extracting outside of the permitted limit.
- 1.03 The main issues in considering this application relate to the impact on the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the surrounding landscape, the visual impact of the extension, the impact on ecology, European protected species and nature conservation interests, the need for sand and gravel, the need to extend the life of the quarry, the need to import material for restoration, the impact on residential amenity, the impact of the proposal on hydrology and flood risk, and the impact on the highway.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

- 2.01 Conditions to include:-
1. Commencement
  2. Approved plans
  3. Retention of approved plans on site
  4. Notification of commencement
  5. Duration and completion of development
  6. Demarcation of extraction area
  7. Boundary fencing
  8. Hours of operation
  9. Written Scheme of Archaeological Investigation and watching brief
  10. Soil handling method statement
  11. Protection of soils
  12. Soil storage plans
  13. Stockpile heights restricted to 4 metres
  14. Dust controls
  15. Dust mitigation
  16. Prevention of mud on the highway
  17. Noise controls
  18. Noise limits
  19. Removal of permitted development rights
  20. No dewatering/dredging
  21. Pollution control
  22. Tree root protection and bat mitigation plan
  23. Inspection of trees prior to felling
  24. Reasonable avoidance measures - Dormice
  25. Reasonable avoidance measures - Reptiles
  26. Great crested newt mitigation; habitat creation and fencing
  27. Submission of EPS monitoring and management plan for long term amphibian monitoring and surveillance.
  28. Phased working
  29. Final Restoration

- 30. Early Cessation
- 31. Tree planting specification
- 32. Only inert waste restoration materials
- 33. No processing of waste on site
- 34. Submission of aftercare scheme
- 35. Five year aftercare period
- 36. Annual Monitoring report
- 37. Annual management/aftercare meeting
- 38. Liaison Committee implemented if required

### **3.00 CONSULTATIONS**

- 3.01 *Local Member: Councillor Jim Falshaw* – Supports the application. The applicant undertook pre-application consultation with the local community and the Community Councils. Councillor Falshaw has no objections to the application subject to the applicant adhering to conditions.
- 3.02 *Caerwys Town Council* – Supports the application. The application site is an active quarry of which policies MIN1, MIN2, MIN3 and MIN4 of the adopted Flintshire Unitary Development Plan apply. Mitigation measures recommended, or proposed, within the documentation accompanying this application are required to be conditioned with any planning consent granted. In addition, restoration details for the site, as set out in the Flintshire Unitary Development Plan Policy MIN4, are also requested to be conditioned when the operational life of the quarry terminates. Subject to compliance with national and local policies, Caerwys Town Council supports the application.
- 3.03 In addition to this, it is requested that it be conditioned that prior to the restoration of the site, following termination of its operational life, some form of access agreement can be arranged with the quarry owner for the benefit of the community so that the biodiversity of the site can be enjoyed.
- 3.04 *Ysceifiog Community Council* were consulted as neighbouring community council and does not object to the proposal.
- 3.05 *Head of Assets and Transportation*  
A review of the records indicates that there is no significant accident history associated with the use of this access. As there is no increased traffic movement associated with the proposal, the Highway Development Control Manager does not intend to make a recommendation on highways grounds.
- 3.06 *Public Rights of Way* – Public Footpath 3A abuts the site but appears unaffected by the development. The path must be protected and free from interference from the development.

- 3.07 *Head of Public Protection* has confirmed that there have been no complaints regarding the operations at this quarry and it is anticipated that the extension would not cause any loss of amenity to any nearby sensitive properties. The Head of Public Protection has no objections to this proposal to extend the quarry subject to conditions in relation to noise and dust mitigation which would be comparable to existing site mitigation controls already in place for the quarry.
- 3.08 *Flintshire County Council Drainage* – no comments/observations to make in relation to surface water management.
- 3.09 *Dŵr Cymru/ Welsh Water* – Do not wish to make any recommendations in relation to this application.
- 3.10 *Cyfoeth Naturiol Cymru/ Natural Resources Wales (NRW)*  
NRW have commented on the proposal taking into consideration protected sites, protected species, flood risk, impact on ground water and pollution prevention.
- 3.11 NRW have considered the amended restoration proposals and have concluded that they are considered to be satisfactory from an amphibian conservation perspective. NRW have been advising the applicant on the detail of avoidance, mitigation and compensation measures associated with the anticipated European protected species derogation licence issued by NRW. NRW have confirmed that they are also considered to be satisfactory.
- 3.12 In terms of proposed amphibian surveillance and monitoring, NRW have advised that this is undertaken over a longer term duration.
- 3.13 NRW do not object to the proposal subject to the implementation of the proposed mitigation measures for great crested newt protection which will also be implemented under a protected species licence.
- 3.14 *Airbus*  
The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. The location is outside the 15km safeguarding consultation area. Accordingly there are no aerodrome safeguarding objections to the proposal.
- 3.15 *Clwyd and Powys Archaeological Trust*  
There has been extensive pre-application consultation on the proposed extension between the Clwyd and Powys Archaeological Trust and the archaeological consultant working on behalf of the applicant. The results of that consultation have been set out within the Environmental Statement. A Written Scheme of Investigation has been submitted with the details for an archaeological watching brief which would be followed during the initial topsoil and subsoil stripping.

This is required to identify any sub-surface archaeology which may be present to allow for subsequent archaeological recording. This Written Scheme of Investigation is considered acceptable.

- 3.16 Clwyd and Powys Archaeological Trust have no objections to the proposal, subject to operations to take place in accordance with the Written Scheme of Archaeological Investigation and archaeological watching brief.

3.17 *AONB Partnership Joint Committee*

The Joint Committee notes that, although just outside the AONB, Maes Mynan Quarry is visible from much of the higher ground of the AONB to the north and west of the site, including the Offa's Dyke Path, Open Access Land and other public vantage points in the locality, and clearly impacts on the setting of the AONB. From a protected landscape perspective, the committee would wish to see quarrying operations cease and the site restored as soon as possible. However, the quarry has been in place for many years and the proposed extension is modest in area and timescale, and is relatively small in the context of the existing consented operation. The additional impact on the AONB is therefore limited and relatively modest in extent. The committee is also aware of the recently updated Regional Technical Statement for aggregates which identifies a medium term shortfall in sand and gravel reserves in Flintshire to meet anticipated need in North Wales. This provides some justification for the current proposals which will assist in meeting this need.

- 3.18 The proposed restoration scheme and end use involving the creation of meadow grassland with additional broadleaf woodland, scrub and marginal aquatic planting around the new waterbody is supported. The committee would suggest that opportunities for public recreation, active travel and access to enjoy the site should be included in the restoration scheme as part of a section 106 agreement. For example, a new permissive footpath/cycle path along the southern side of the waterbody would provide an attractive traffic free alternative for walkers and cyclists on the A541, and a permissive footpath along the northern site boundary would provide a valuable link to the existing public footpath network between paths 1 and 3a in the Community of Caerwys. The intention to carry out progressive restoration of the site as operations proceed is also welcomed, and the committee would emphasise the need to pursue this to ensure full restoration of the site as soon as possible after operations cease. Appropriate management and aftercare of the site will also be critical to the success of the restoration scheme, and the committee would wish to be consulted on subsequent management and aftercare plans.

- 3.19 As neighbouring Local Authority, Denbighshire County Council have been consulted and raise no objections in principle to the proposal.

- 3.20 *Health and Safety Executive* - No comments received.

3.21 *Cadw* – have no comment to make on the proposal as there would be no impact on the settings of the adjacent of the scheduled monuments as intervening vegetation would block the views to the proposed development.

3.22 *Clwyd Bat Group, Badger Group, North Wales Wildlife Trust, and Ramblers Association* – No comments received.

#### **4.00 PUBLICITY**

4.01 This application was advertised by press notice, site notices 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 24 December 2015.

4.02 Further information was submitted in respect of great crested newt mitigation and monitoring and notification was given and it was advertised in accordance with the Town and Country Planning (Environmental Impact Assessment) Wales Regulations 2016 on 4 August 2016.

4.03 One letter of objection has been received against the proposed quarry extension. The issues raised relate to the residential amenity and impacts on the village of Afonwen. They feel that should another quarry to the east of Afonwen be reopened, and should this proposal to extend Maes Mynan Quarry be approved, then Afonwen would be flanked to the east and west by working quarries and be subjected to increase noise, dust and quarry traffic from both directions.

4.04 Speculation on future mineral development is not material to the determination of this planning application. However the issues of noise, dust, residential amenity and traffic associated with the quarry operations at Maes Mynan Quarry are considered within this report.

#### **5.00 SITE HISTORY**

5.01 Sand extraction has taken place at Maes Mynan since 1938, with the first planning permission granted in 1952. The now restored working area associated with those works is located to the west of the application site. The current extant planning permission was granted in April 1994 for the existing sand and gravel extraction under permission reference 3/655/92, which would expire on 31 May 2018.

#### **6.00 PLANNING POLICIES**

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

## 6.02 **LOCAL PLANNING POLICY**

*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 D3 - Landscaping
- Policy D4 - Outdoor Lighting
- Policy TWH1 - Development Affecting Tress and Woodland
- Policy TWH3 - Woodland Planting and Management
- Policy L1 - Landscape Character
- Policy L2 - Areas of Outstanding Natural Beauty
- Policy WB1 - Species Protection
- Policy WB2 - Sites of International Importance
- Policy WB3 - Statutory Sites of National Importance
- Policy WB4 - Local Sites of Wildlife and Geological Importance
- Policy WB5 - Undesignated Wildlife Habitats
- Policy WB6 - Enhancement of Nature Conservation Interests
- Policy HE1 - Development Affecting Conservation Areas
- Policy HE2 - Development Affecting Listed buildings and their Settings
- Policy HE5 - Protection of Landscapes, Parks and Gardens of Special Historic Interest.
- Policy HE6 - Scheduled Ancient Monuments and other Nationally Important Archaeological Sites
- Policy HE7 - Other Sites of Lesser Archaeological Significance
- Policy HE8 - Recording of Historic Features
- Policy AC13 - Access and Traffic Impact
- Policy EM7 - Bad Neighbour Industry
- Policy MIN1 - Guiding Minerals Development
- Policy MIN2 - Minerals Development
- Policy MIN3 - Controlling Minerals Operations
- Policy MIN4 - Restoration and Aftercare
- Policy EWP6 - Areas of Search for Waste Management Facilities
- Policy EWP7 - Managing Waste Sustainability
- Policy EWP8 - Control of Waste and Operations
- Policy EWP12 - Pollution
- Policy EWP13 - Nuisance
- Policy EWP14 - Derelict and Contamination
- Policy EWP16 - Water Resources
- Policy EWP17 - Flood Risk

## 6.03 **GOVERNMENT GUIDANCE**

Planning Policy and Guidance

Planning Policy Wales Edition 8 (2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 15 – Development and Flood Risk (2004)  
Technical Advice Note 18 – Transport (2007)  
Technical Advice Note 21 – Waste (2014)  
Technical Advice Note 23 – Economic Development (2014)

6.04 Minerals Planning Policy and Guidance

Minerals Technical Advice Note 1: Aggregates 2004  
Minerals Planning Guidance Note 11: The Control of Noise at  
Surface Mineral Workings, 1993  
Regional Technical Statement for North Wales 1<sup>st</sup> Review (2014)

6.05 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, 2012

6.06 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 minerals, waste management, amenity (air quality, noise), landscape, AONB, visual impact, flood risk, nature conservation, protected species and statutory sites. The Policies and guidance contained within PPW, MTAN1, TAN21 and evidence provided within the RTS in relation to regional apportionment are also central to the determination of this application. The materiality of the above policies are discussed in the following planning appraisal.

**7.00 PLANNING APPRAISAL**

Introduction

7.01 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. The Environmental Statement which accompanied the planning application has considered and assessed the impacts of the proposal in terms of landscape and visual amenity of the proposal and potential impacts on the adjacent AONB, impacts on ecology and nature conservation and adjacent designated sites/protected species, noise, air quality, traffic, transportation and highways, hydrology, hydrogeology and flood consequences, and socio-economic impacts

***Details of Proposed Development***

7.02 This planning application seeks to extend the currently approved limit of extraction at the site by 2.4 hectares in an easterly direction. The current permitted site area is 18.3 hectares and the planning application site covers an area of approximately 20.7 hectares. The proposed lateral extension comprises of two phases, followed by final restoration. The application proposes a continuation of sand and gravel extraction at the site for a further five years than is currently permitted until 31 May 2023. The application also seeks to permit the continuation of the use of the static sand washing/screening plant

currently located in the quarry void. The previous owner/operator had already commenced sand extraction in the extension area prior to the current owner operating the site. Therefore the application is partially retrospective as the operator is currently extracting sand and gravel in the extension area.

- 7.03 It is proposed that the quarry would be worked in two phases, followed by final restoration of the site. During the operational phases, it is proposed that some progressive restoration would take place in the previously worked areas. During the progressive restoration, new habitat would be created to provide mitigation for great crested newts which would be implemented under a European Protected Species Licence. This would involve the creation of a number of new water bodies, hibernacula and refugia adjacent to the existing quarry lagoon. The application proposes a continuation of the importation of inert materials to achieve the permitted restoration profile. The progressive restoration proposals for the site would return the site to meadow grassland with areas of woodland edge and tree planting, scrub vegetation, and marginal aquatic species located around a waterbody with wetland scrapes for nature conservation purposes. Small areas of bare sand habitat, and part of the north eastern working face would be retained to encourage biodiversity. Following the completion of the restoration of the site, there would be a five year aftercare period to ensure that the site is adequately maintained and managed after quarrying activities have ceased. Long term amphibian surveillance and monitoring would be undertaken as part of a management plan which would be required to be submitted.
- 7.04 Existing sand and gravel extraction would continue on site in the same manner as currently permitted. Existing annual extraction rates at the quarry are approximately 135,000 tonnes, and it is estimated that there are approximately 400,000 tonnes of permitted reserves remaining. It has been estimated that, at the time of submission of the application that there is an additional 659,000 tonnes of sand and gravel resource in the extension area.
- 7.05 Extraction would take place in the same manner as currently occurs on site, with a long reach excavator used to extract material below the water table. The majority of the quarry site is worked above the water table and it is not proposed to de-water or use a dredger. Of the extracted material, 50,000 tonnes of sand per annum is washed on site to produce building sand which is sold directly from the quarry; whilst 85,000 tonnes is transported to nearby Fron Haul Quarry where it is processed to produce a concreting sand. The application seeks to continue at this rate of working, and to operate in the same manner.
- 7.06 Hours of operation would continue to be 0700 – 1800 Monday to Friday and 0700 – 1600 on Saturday. No workings would be permitted on Sunday or public holidays, in line with the existing condition relating to hours of operation.

7.07 The proposed extension would result in the removal of some trees along the northern and eastern boundary of the site. The proposed restoration scheme includes tree planting to replace lost trees.

7.08 ***Site Description and Location***

Maes Mynan Quarry is an existing sand and gravel quarry which is located adjacent to the village of Afonwen, approximately 0.8km southwest of Caerwys, and 14km northwest of Mold. The quarry is accessed off an unclassified road which runs from the A541 which is to the south of the site. The existing quarry is partially restored as progressive restoration has already taken place. The western and southern parts of the site have been restored to meadow grassland, with areas of scrub vegetation and a waterbody with marginal aquatic vegetation and an island feature.

7.09 The quarry lies within the administrative boundaries of Flintshire, although the border with Denbighshire is located immediately to the south. The land use within the surrounding area is predominantly improved pasture with some arable farming.

7.10 ***Relevant Planning Constraints/Considerations***

The quarry is immediately adjacent the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The deeply cut hills and valleys of the AONB lie to the south, west and north west of the site, with the more undulating elevated Flintshire landscape to the north of the site.

7.11 Caerwys Tufa Site of Special Scientific Interest (SSSI), Coed Trefraith SSSI and Ddol Uchaf SSSI are located within 2km of the site. In addition, Halkyn Common and Grasslands SSSI is located 4km to the northeast, and Halkyn Mountain Special Area of Conservation (SAC) is located 9km to the east.

7.12 There are 16 non-statutory wildlife sites within 2km of the site. The closest of these are Coed Pwll Gwyn (1.5km north) and Afonwen Sand Pit (3km east). Y Ddol Uchaf (3.3km east) is a North Wales Wildlife Trust Reserve which is a disused tufa and marl quarry.

7.13 To the east of the proposed extension area lies an area of woodland, parts of which are classified as a Restored Ancient Woodland Site and Ancient Semi Natural Woodland in the Forestry Commissions Wales' 2011 Ancient Woodland Inventory Survey for Wales. There are 79 Ancient Woodland sites within 2km of the application site. The River Wheeler runs east-west some 350m to the south of the site.

7.14 The site contains habitat for the European protected species; the great crested newt. Site surveys recorded a small number of great

crested newt in the quarry lagoon, and on one occasion in a nearby ephemeral pond.

- 7.15 A vacant nursing home is located approximately 100m to the west of the site. There are a number of residential properties in the vicinity, the closest of which is located to the east of the application site, at the edge of the woodland, approximately 40 metres away from the proposed limit of extraction.

### **Issues**

#### ***Principle of Development and suitability of location***

- 7.16 The principle of extracting sand and gravel from this site has been deemed acceptable by virtue of the extant planning consent on site granted in 1994, and historical sand and gravel extraction that has taken place at the site which have been in operation since 1938.
- 7.17 Minerals Technical Advice Note 1: Aggregates (MTAN1) recognises that in dealing with applications for new mineral extraction, the planned system is best placed in determining the most suitable locations, and that future extraction should only take place in the most environmentally acceptable locations. The applicant has proposed this site to Flintshire County Council during the 'Call for Sites' exercise undertaken as part of the Local Development Plan process. Whilst the site is being considered as a candidate site by the County Council, the time frame to wait for the adoption of the Local Development Plan is too long. Whilst it is recognised that the existing active quarry is sited in close proximity to various environmental and landscape designations, these designations have been designated since the opening of the quarry. Furthermore, mineral extraction can only take place where the mineral is found to occur.
- 7.18 The proposal seeks a modest extension. The applicant has provided evidence to demonstrate that there are sufficient sand and gravel deposits located to the east of the site.
- 7.19 The principle of importing materials into quarries to facilitate restoration is well established in national guidance as set out in Minerals Planning Guidance Note 7, and latterly by MTAN1. The principle of importing material at this site to achieve the approved restoration profiles has been accepted by the existing planning consent for sand and gravel extraction, and subsequent restoration.

#### ***Need for aggregate, need to extend the quarry***

- 7.20 The main market for sand and gravel extracted at this site is the local and regional construction industry. Other main sources of sand and gravel in North Wales is Wrexham, located to the south east of the site. This site, and the applicant's nearby quarry; Fron Haul, have an important role in serving markets further west within the region, as there are no other operational sand and gravel quarries to the west.

- 7.21 The existing landbank for sand and gravel is not excessive in North Wales. The spatial distribution across the region is uneven, and the character and types of sand available differs. This proposal would help safeguard a locally important source of sand in the area and maintain a degree of market competition.
- 7.22 There is currently a high demand for sand and gravel from Maes Mynan Quarry, and the applicant would like to continue to supply this need. Analysis of resources within the extension area has shown that there are sufficient resources to continue to extract from this site for approximately eight years.
- 7.23 The proposed extension would release a further 659,000 tonnes of sand and gravel. Planning Policy Wales (PPW) (paragraph 14.8.10) recognises that it is essential to the economic health of Wales that the construction industry is provided with an adequate supply of the minerals it needs, with sand and gravel a main source. MTAN1 echoes this, and adds that this should not be to the unacceptable detriment of the environment or amenity.
- 7.24 The Regional Technical Statement (RTS) for North Wales identifies the need for new allocations of 1.4 million tonnes to be made within the plan period of 2011-2033 in order to meet the shortfall in apportionment requirements for the region. The RTS analyses supply patterns in the region and states that the current supply pattern of land-won sand and gravel is dominated by one site within Wrexham, with smaller contributions for four other active pits; one other in Wrexham, one in Gwynedd and two in Flintshire, of which Maes Mynan is one. It recognises that whilst the Wrexham sites are ideally placed in relation to the markets of North East Wales, and North West England, they are much further away from the smaller, but important local markets along the North Wales coast. Therefore, from a proximity to market and a supply point of view, there is a demonstrable need to maintain an adequate supply to these areas. In summary, the RTS supports additional resources to be released to contribute to the region's landbank.
- 7.25 With regards to extensions of existing minerals workings, as is proposed in this application, PPW (para 14.4.2) states that these are often more generally acceptable than new greenfield sites. Policy MIN1 of the adopted Flintshire Unitary Development Plan states that proposals for the winning, working and processing of minerals will be assessed against the need for mineral workings, and the ability of existing sites to meet demand. It also states that where there is a clear and demonstrable need for primary materials, preference will be given to the lateral extension of mineral workings. There is a demonstrable need for additional sand and gravel reserves to be realised in the region as set out in the RTS for North Wales. Furthermore, this applicant is for an extension of existing workings which would be considered more favourable than new sites. As such,

it is considered that the proposal accords with the provisions within PPW (chapter 14), MTAN1, the RTS for North Wales and Policy MIN1 of the adopted Flintshire Unitary Development Plan.

***Need to extend the life of the quarry***

- 7.26 The current extant planning permission was granted in April 1994 for the existing sand and gravel extraction under permission reference 3/655/92. In accordance with the planning permission, restoration is required to be completed by 31 May 2018. Current extraction rates at the quarry are approximately 135,000 tonnes per annum. The proposal would result in the quarry being worked for an additional five years beyond the life of the current planning permission.
- 7.27 Additional time is required to complete the proposed extraction and restoration of the site. Should planning permission be granted, a condition would be imposed to ensure that the development shall cease, and site to be restored by 31 May 2023. Following the restoration of the site, the site would be maintained and managed in accordance with an approved aftercare scheme for a period of five years. The aftercare scheme shall be required by condition.

***Need for restoration/importation of inert waste materials***

- 7.28 Whilst the primary purpose of the planning application is to seek consent for a lateral extension, and an extension of time to extract sand and gravel at the site, the proposal also seeks to restore the site to approved and proposed restoration levels by the continuation of importing inert restoration materials. The principle of bringing materials into quarries to facilitate restoration is well established in national guidance as set out in Minerals Planning Guidance Note 7: Reclamation of Mineral Workings, and latterly by MTAN1. TAN21 also states that the restoration of quarries using inert waste materials may be acceptable in some scenarios.
- 7.29 An estimated 335,250m<sup>3</sup> of material is required to restore the quarry in accordance with the proposed restoration scheme. Mineral waste and overburden material generated by quarrying and processing operations would equate to approximately 147,770m<sup>3</sup> which would not be sufficient to meet the desired restoration profile. As there are limited stores of soils and overburden on site, and what is stored on site is being used presently for visual screening purposes, the remaining material needed to restore the site to the proposed levels would be imported to the site over the course of the quarrying and restoration operations. This would ensure that the quarry faces can be profiled at a 1 in 3 slope, therefore avoiding excessively steep slopes. Materials are required to be imported in order to progressively restore the site rather than the end of the extraction period. Phased restoration using imported materials to achieve proposed restoration levels would reduce the visual and landscape impact of the operations, and minimise views from the AONB located to the south of the site.

- 7.30 The applicant does not propose to process inert materials on site. The proposal is for backfilling directly to the site for restoration purposes. The applicant has demonstrated that there is sufficient inert materials available to achieve the proposed restoration levels.
- 7.31 Historically, restoration material had been imported and deposited under a series of Paragraph 19 Exemptions. Since 2012, the applicant has been importing inert waste materials under an environmental permit issued by the Natural Resources which allows the importation of up to 80,000 tonnes of inert waste materials per annum to be used in the restoration of the quarry. This equates to approximately 55,000m<sup>3</sup> per annum.
- 7.32 Natural Resources Wales have accepted that the existing backfilling restoration operations is considered to be waste recovery operation, as opposed to disposal by virtue of their existing waste recovery permit. It is therefore considered that the proposal would accord with the Waste Hierarchy, Towards Zero Waste, the Construction and Demolition Sector Plan and TAN21. The use of inert materials for restoration purposes accords with the provisions of MTAN1 and TAN21.

#### ***Landscape and Visual Impact Assessment***

- 7.33 A landscape and visual impact assessment of the proposal has been undertaken which identifies sensitive landscapes and views. The proposal involves a small extension of the operational quarry in an easterly direction. The landscape assessment considers the temporary operational effects of the extension over an eight year period, and the long term residual effects of the proposed restoration. The proposal also involves the removal of some tree vegetation on the eastern field boundary which were required to be planted as part of the existing planning consent granted in 1994 via a section 106 legal agreement.
- 7.34 It is considered that there would be a limited change to the landscape features as a result of the proposal. The proposed extension is considered to be relatively minor in scale, when compared to the existing quarry operations on the site. It is recognised that the existing operations have encroached into the new area of extraction without consent, but even taking this into account the difference between the existing permission and what is proposed is minimal.
- 7.35 The temporary direct effects of the proposal upon the landscape fabric would be slight to negligible in magnitude, and therefore would not be significant. The effects on the landscape fabric overall, are therefore not considered to be significant. The effects on the character of the landscape would be limited to isolated locations in close proximity to the site, and from remote upland locations in the wider landscape and to the south west.

- 7.36 The afteruse of the site would be for nature conservation and habitat diversity, which is in accordance with the existing approved restoration scheme for the site. The proposal would delay the restoration of the site by five years, however the site would be progressively restored and amphibian mitigation measures would be implemented during phase 1. The area has a history of quarrying and these sites have been successfully restored which demonstrates that restoration of this site is feasible with limited impact on the landscape, and it can be achieved in a reasonable timescale.
- 7.37 PPW (paragraph 14.3.3) includes minerals planning policy which deals with mineral development adjacent or close to a National Park or AONB. With regards to extensions of existing quarries, PPW states that the extent to which a proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity should be considered. Development adjacent to or close to an AONB that might affect the setting of these areas should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact.
- 7.38 The Joint AONB Partnership Committee notes that, although just outside the AONB, Maes Mynan Quarry is visible from much of the higher ground of the AONB to the north and west of the site, including the Offa's Dyke Path, Open Access Land and other public vantage points in the locality, and clearly impacts on the setting of the AONB.
- 7.39 However, the quarry has been in place for many years, and the proposed extension is modest in area and timescale, and is relatively small in the context of the existing consented operation. The additional impact on the AONB is therefore considered to be limited and relatively modest in extent.
- 7.40 Whilst the proposal would be visible from the AONB, it is considered that the proposal would not harm the special features of the AONB, and there would be no effect on it. Distant views to the site, especially from within the AONB would not be adversely affected to any significant degree by the proposal. Proposed landscaping and planting scheme would ensure that there would be no harm to the AONB once restored. As such, it is considered that the proposal accords with the provisions of Policy MIN2 of the adopted Unitary Development Plan.
- 7.41 In terms of visual impact of the proposal, views from a number of locations and properties have been assessed. Nearby views of the extension are considered to be minimal, and only confined to views through the roadside vegetation on the A541 during the winter months, and views from the north and south west of the site. All views into the site are not considered to be significant, with the exception of views from the west of the site. However, the proposal would not

present a significant change to the existing visual impact of the existing quarrying activities. The proposed progressive restoration would mitigate this impact.

- 7.42 Existing trees and the topography of the land screen the site which would remain for this proposal. Tree protection measure would be required by condition to protect the remaining trees/screening on site. However, the proposed extension would require the removal of an area of early mature screen planting on the eastern and northern boundary of the site, but this would not encroach on the mature Ancient Semi Natural Woodland further to the east, which separates the nearby residential properties from the quarry.
- 7.43 Three mature sycamores would need to be felled on a headland protruding into the existing extraction area. These are considered to be relatively insignificant in the landscape and provide poor habitat.
- 7.44 Whilst there would be some tree removal as a result of the extension, they would be replaced as part of the restoration planting scheme. As the site is an existing quarry, the proposal would not increase the magnitude of visual impact into the site. The existing temporary visual effects would be retained during Phase 1, however would diminish by the end of Phase 2 as the site is progressively restored.
- 7.45 The existing site gives rise to existing significant effects limited to the immediate vicinity of the site and from discrete upland locations within the AONB to the south and west. The proposal forms a modest extension to the existing site, and it is considered that it would not increase the existing magnitude of change. The existing significant effects would be predominantly retained during phase 1, however the establishment of progressive restoration during Phase 2 would reduce the magnitude of change, resulting in the temporary effects considered to be not significant.
- 7.46 The final restoration scheme is in keeping with the current approved restoration scheme. Having regard to the scale of the development, the proposed scheme of working, progressive restoration, visibility into the site, duration of the operations and the characteristics of the surrounding landscape, the potential impacts are considered to be acceptable. It is considered that the proposal complies with the provisions of Policies MIN2, MIN4, L1 and L2 of the adopted Flintshire Unitary Development Plan.

### ***Ecology and Nature Conservation***

- 7.47 An ecological impact assessment has been undertaken to assess the likely significant effects associated with the proposal in relation to ecology and habitats. A Phase 1 Habitat survey was undertaken which highlighted further survey work was required to establish presence of a number of protected species; dormouse, reptiles,

badgers and bats. Following additional survey work, the reports concluded that, with the implementation of mitigation, reasonable avoidance measures and enhancements measures which have been incorporated into the proposal that the extension to the quarry would not have any significant effect on dormice, reptiles or bats. The various reasonable avoidance measures would be conditioned.

- 7.48 With regards to badgers, the applicant has submitted an acceptable Method Statement which confirmed that the locations of badger setts are beyond the proposed development boundary and that these would be undamaged by the proposed extension. It concluded that the impact on badgers would be minor and no licence or mitigation would be required.
- 7.49 NRW assessed the application in terms of potential impacts of the proposal protected species. In terms of birds, bats and dormouse, NRW are satisfied with the information submitted with in the application and have advised the imposition of conditions in relation to assessment of trees for the potential of bats prior to felling, and the requirement to implement mitigation measures as proposed with the environmental statement which would be conditioned.
- 7.50 With regards to the great crested newt, NRW advised that waterbodies within the environs of the quarry were subject to survey prior to the determination of the proposal in order to establish whether great crested newts are present or not. Survey work was undertaken April – June 2016 and great crested newts were found in the quarry lagoon and in a nearby ephemeral pond. NRW have concurred with the applicant that there is limited connectivity to the proposed lateral extension for any great crested newts present within the existing quarry lagoon and its associated terrestrial habitat. Therefore, no anticipated detrimental impact would arise through the implementation of the lateral extension area with regard to great crested newts.
- 7.51 However, as great crested newts have been identified within the quarry lagoon, and the terrestrial core habitat around the lagoon is optimal for supporting great crested newts during their terrestrial phase, a scheme of mitigation has been submitted, and the restoration scheme amended to improve and enhance the potential breeding and terrestrial habitat. These measures would be conditioned and also would be implemented under a European protected species licence to create a number of new water bodies, hibernacula and refugia adjacent to the existing quarry lagoon which would commence being created during Phase 1 of the development. The conservation area would be partially fenced off using permanent, one-way amphibian fencing. A long term monitoring programme would be completed in order to examine the relative success or failure of the scheme and to put in place contingency plans to improve the scheme should it fail. A management plan containing the details of monitoring would be required by condition.

- 7.52 Mitigation and enhancement proposed would result in long-term beneficial impacts for ecology and nature conservation across the extension area and site as a whole. Restoration scheme planting schedule incorporate plants which would attract as many species as possible to the site.
- 7.53 The ecological impact assessment has shown that the excavation phases and operational phases would not have any significant effect on either statutory or non-statutory designated sites, protected or priority species.
- 7.54 The implementation of the proposed reasonable avoidance measures, mitigation and monitoring, the proposal would not have a significant adverse effect on important species or their habitats. No statutory sites of national importance, wildlife sites or regionally important geological sites would be adversely affected by the proposal. With the implementation of the proposed restoration and mitigation, there would be no significant adverse effects on wildlife and habitats of local importance, and the restoration proposals would result in long-term beneficial effects. As such, it is considered that the proposal accords with the provisions of Policies WB1, WB3, WB4, WB5 and WB6.

### **Noise**

- 7.55 Noise assessments have been carried out by an independent noise consultant to consider noise levels at the closest noise sensitive receptors, and to evaluate the proposal in terms of the potential impact during its operation and final restoration. The models used a worse-case scenario with all plant operating simultaneously. The noise assessments have been considered against national planning policy guidance set out in MTAN1: Aggregates, TAN11: Noise, and the relevant British Standards. The calculated worse case noise levels associated with the operations and final restoration are predicted to be below the recommended daytime criteria of 55dB LAeq (one hour) (free-field) at noise sensitive properties as set out in MTAN1. Therefore, no significant effects are predicted from the operations with regards to noise.
- 7.56 MTAN1 acknowledges that during temporary and short term working such as soil stripping, higher levels may be reasonable but should not exceed 67dB(A) LAeq (one hour) (free-field) for a period of up to 8 weeks in a 12 month period. The predicted noise immission level at each noise sensitive receptor due to the operation of plant during a period of soil stripping in the extension area has also been included in the assessments. This concluded that during soil stripping, the day time noise limit for temporary operations would not be exceeded. Therefore, no significant effects are predicted.
- 7.57 In summary, noise levels associated with operations, final operations

and a short term period of soil stripping in the extension area are predicted to be below acceptable daytime limits at the closest noise sensitive properties. Whilst it is not anticipated that noise levels associated with the proposal are predicted to exceed the recommended noise limits, best practice mitigation measures would be employed on site to reduce noise levels as far as possible.

- 7.58 Should planning permission be granted, noise limits would be conditioned accordingly in line with national policy and mitigation measures would be employed during the life of the permission to ensure that noise is maintained at the lowest possible level.
- 7.59 The noise assessment demonstrates that noise from activities associated with the application would be within acceptable limits. The County Council's Head of Public Protection has confirmed he concurs with the findings of the noise surveys. Furthermore, there have been no complaints regarding the operations at this quarry in relation to noise, and it is anticipated that the extension would not cause any loss of amenity to any nearby sensitive properties.
- 7.60 The Head of Public Protection has no objections to this proposal subject to conditions in relation to noise mitigation which would be comparable to existing site mitigation controls already in place for the quarry. This would include the imposition of planning conditions controlling noise with regards to limits, 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, MIN2, MIN3, EWP12 and EWP13 of the adopted Flintshire Unitary Development Plan.

#### ***Air Quality and Dust***

- 7.61 The operations involved in the extraction and processing of aggregate, and the subsequent site restoration have the potential to generate dust emissions. A detailed dust and air quality assessment of existing and proposed operations has been undertaken by an independent consultant to support the application.
- 7.62 The County Council's Head of Public Protection has confirmed that he would agree with the findings of the Air Quality Assessment report and that fugitive dust emissions are unlikely to affect any nearby sensitive receptors. However, there is potential for excessive emissions from such sites during periods of dry windy weather. The main sources tend to be vehicle movements on haul roads and soil stripping activities. Such problems can be avoided or at least minimised by the application of preventative measures such as the use of bowsers on haul roads and workings, and ceasing operations during adverse weather conditions.
- 7.63 Should planning permission be granted, existing dust mitigation

measures would continue to be employed on site, to ensure that dust emissions are minimised. These include; seeding stockpiles of soil and progressive restoration, speed limits set to 10mph in the extraction area and on internal haul roads, the use of dust suppression via water sprays when handling soils, on the internal haul route, and on stockpiles of product, maintenance of plant and machinery on site, washing and screening of sand as part of the process acts to suppress dust emissions from the plant, sheeting of vehicles exporting sand and importing restoration materials, the use of a wheel wash, the use of a road sweeper, maintenance and housekeeping of haul road surfaces, regular visual inspections, temporary cessation of dust generating operations in extreme windy weather conditions.

- 7.64 The assessment concluded that, with the dust mitigation measures employed at site, the proposal would unlikely lead to significant dust impacts at sensitive receptors close to the site.
- 7.65 An assessment of PM10 levels from the proposal has been carried out in accordance with MTAN1. This concluded that PM10 levels from the site are not likely to exceed the Air Quality objectives. It concludes that the small magnitude of change is predicted as a result of the extension, but the change in PM10 concentration leading to a negligible residual effect that is not considered to be significant.
- 7.66 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 such, subject to conditions to ensure that dust is minimised and controlled, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies GEN1, MIN2, MIN3, EWP8 and EWP12 of the adopted Flintshire Unitary Development Plan.

### ***Geology, Geotechnical stability and Soils***

- 7.67 As part of the design process undertaken for the proposal, a geotechnical assessment was carried out to ensure safe and stable slopes within the site during the working and restoration phases of the proposal. The quarry site will have to comply with the Quarries and Mines Regulations. The geotechnical work and slope stability analysis has been undertaken during the design of the working phases at the site, and confirms that the proposal is acceptable in this regard. The analysis concluded that the quarry excavations should be considered stable. The proposal therefore is in accordance with Policies MIN2 and EWP15 of the adopted Flintshire Unitary Development Plan.
- 7.68 Whilst there are limited soils that remain on site, the application has considered the protection of soils and a method statement is included

with the submission, alongside plans showing the location of soils storage stockpiles which would not exceed a height of 4 metres. Where possible and practical, soils would be stripped and directly placed for progressive restoration. Soils protection conditions would be included in any permission.

### ***Highways, Traffic, Transportation and Access***

- 7.69 The quarry is accessed off an unclassified road which runs from the A541 on its southern boundary. This road forms the main transport route through the valley between the towns of Mold and Denbigh.
- 7.70 The A541 is subject to the national speed restrictions in this vicinity. Analysing the results from a traffic survey undertaken by the applicant, this indicates that 2.4 x 215m splays would be appropriate at this access in line with guidance given in TAN 18: Transport (2007). The splay to the left of the exit can be provided in full, however the splay to the right is restricted to 120m. Therefore, the quarry access which joins the A541 at a junction with sub-standard visibility and therefore would not be in accordance with the guidance provided in TAN 18. However, a review of the records indicates that there is no significant accident history associated with the use of this access. Furthermore, the quarry has been operating from the application site since 1994, and from the site to the west since 1938 and this access has been used from the A541 with no reported complaints or accidents attributed to quarry traffic.
- 7.71 The application seeks a continuation of sand and gravel extraction and exportation at a rate of 135,000 tonnes of material per annum. This equates to 50 HGV movements per day. In addition to this, the application seeks to continue to import inert materials to achieve approved restoration levels at approximately 30 HGV movements per day. The proposal would not increase the amount of HGV movements into, or out of the site. Should planning permission be granted, a condition would be imposed to ensure that vehicle cleaning facilities shall be provided on site and used for all HGVs leaving the site to ensure that no mud or other deleterious materials are deposited on the public highway.
- 7.72 There would be no increase in either HGV movements or staff vehicle movements as a result of the proposal. The site traffic contributes to existing background traffic at a level below the relevant thresholds set out in the Institute for Environmental Assessment guidelines for environmental assessment of road traffic, both in terms of total traffic and HGV traffic. No significant residual effects are predicted from the proposal.
- 7.73 As there would be no increased traffic movement associated with the proposal, whilst the visibility splays of the road onto the A541 does not accord with the guidance provided in TAN 18, the Highway

Development Control Manager does not intend to make a recommendation on highways grounds. As such, subject to the imposition of a planning condition to ensure that mud is not deposited onto the public highway, it is considered that the proposal accords with Policies AC13 and MIN3 of the adopted Flintshire Unitary Development Plan and should not be refused on highways grounds.

- 7.74 With regards to Public Rights of Way, whilst Footpath No.3A abuts the site to the west and Footpath No.1 is located to the east of the extension it is considered that these public footpaths would not be affected by the proposal. Should planning permission be granted, an informative would be imposed on the decision notice informing the applicant of their duties in relation to keeping public rights of way clear from obstructions.

7.75 ***Cultural Heritage and Archaeology***

There is a very low potential for archaeology at the site due to historical soil stripping at the quarry. Also, there are no designated heritage assets that would be adversely affected by the proposal. A written scheme of investigation which includes an archaeological watching brief has been submitted and is considered acceptable. This would be followed during the initial topsoil and subsoil stripping to identify any sub-surface archaeology which may be present to allow for subsequent archaeological recording.

- 7.76 Should planning permission be granted, a condition would be imposed requiring the operations to be carried out in accordance with the Written Scheme of Archaeological Investigation and Archaeological Watching Brief. As such, it is considered that the proposal would accord with Policies HE7 and HE8 of the adopted Flintshire Unitary Development Plan.

- 7.77 Due to the topography of the site, distance and screening, no features of historic importance in the surrounding area would experience a significant adverse effect as a result of the proposal and therefore accords with Policies MIN2, HE1, HE2, HE5, HE6, HE7 and HE8 of the adopted Flintshire Unitary Development Plan.

7.78 ***Hydrology and Hydrogeology***

An assessment of the likely impacts of the proposal on the water environment in and around the site has been undertaken. Mineral located below the water table would be extracted via a long reach excavator. No dredging or de-watering is required for mineral extraction on the site. However, in the past, after excessive periods of rainfall, sufficient water has entered the site that the lake level has risen sufficiently to stop mineral extraction. During these occasional events, with discharge consents/surface water abstraction licences from Natural Resources Wales, the lake has been lowered to its normal level by pumping into local water courses. The restored site is expected to have no impact on ground water level, flow, or resources

compared to the pre-operational conditions. Should planning permission be granted, a condition would be imposed to state that no de-watering shall occur on site.

- 7.79 Pollution prevention measures are in place at site to prevent contamination of surface water and ground water from accidental fuel spills or leaks within the quarry are minimised. These would continue to be employed on site to prevent contamination of the water environment. In relation to the importation of restoration materials, strict waste acceptance procedures are in place to ensure that no potentially contaminating materials are used. This is monitored and enforced as part of the waste recovery permit issued by Natural Resources Wales. Should planning permission be granted, these pollution prevention measures would continue to be employed on site and monitored by Natural Resources Wales.
- 7.80 It is considered that with control measures in place, there would be no significant effect on the ground water environment. Under normal working conditions, no water is discharged off site. Therefore, there would be no significant effect on any of the adjacent water courses.
- 7.81 The assessment also considered the proposal and its potential impacts on nearby statutory sites. Caerwys Tufa SSSI is the closest statutory site but is not ground water dependent. There are no ground water-dependant sites of ecological interest downstream, or down gradient of the site, and no dewatering would be undertaken. Halkyn Common and Grasslands SSSI and Halkyn Mountain SCA are not located within the water catchment and therefore would not be effected. The proposal would not have a significant adverse effect on nearby protected sites from a hydrology or hydrogeology perspective.
- 7.82 Part of the extension area which encroaches into the woodland appears to contain spoil mounds or made ground which might be associated with former tufa extraction or lime works. However, boreholes and trial pits within the proposed extension area have found no evidence of contamination. As such, there is no risk of future contamination of water courses or ground water from contamination.
- 7.83 The hydrological and hydrogeological impact assessment concluded that the proposal would not have a significant adverse effect on the capacity, flow and quality of ground water or surface water. Cyfoeth Naturiol Cymru/ Natural Resources Wales do not object to the proposal in terms of impact on ground water. It is considered that the proposal would accord with Policies MIN3 and EWP 16 of the Flintshire Unitary Development Plan.
- 7.84 **Flood Risk**  
In accordance with the requirements of TAN 15, a flood consequences assessment has been undertaken which considers the likelihood of the proposal causing flooding, or the site being

susceptible to flooding.

- 7.85 The assessment concluded the risk of flooding to the site is at most low. At present, surface water flooding is managed effectively within the site. During the operational phases of the quarry, occasional short-term pumping may be required to remove water from the site after periods of heavy rain. When the site has been restored, the site would drain directly into the water body in the quarry void and there would be no discharge from the site. The void is considered to have sufficient capacity to contain the estimated amount of water that could potentially drain into it. The flood consequences report concluded that the site satisfies the flood risk requirements set out in the guidance.
- 7.86 Natural Resources Wales note that the FCA has failed to recognise that the absence of a mapped flood outline associated with the tributary is not due to an absence of flood risk but is because of the limitations of the NRW Floodmap on which the Welsh Government's Development Advice Map zones are based, which does not consider catchments smaller than 3km<sup>2</sup>. As a result, the potential flows and volumes entering the quarry area remain unknown. However, the submitted FCA has qualitatively addressed the unknown flows in the unnamed tributary of the Wheeler which flows past the western side of the application site, with reference to the capacity of the culvert just downstream of the quarry entrance. The FCA recognises that some flood flows from the tributary discharge into the quarry void, raising the lake level and disrupting production. Natural Resources Wales would accept that this could offer some flood alleviation to downstream reaches of the tributary and the River Wheeler, and does not object to the proposal in relation to flood risk.
- 7.87 The flood plain downstream of the site lies within Denbighshire. Denbighshire Council Council's Flood Risk Manager does not have any concerns in relation to flood risk. As such, it is considered that the proposal would accord with the provisions of Policy EWP17 of the adopted Flintshire Unitary Development Plan.
- 7.88 ***Community and Employment – Socio-Economic Assessment***  
It is considered that the continued operation at Maes Mynan Quarry would lead to a number of socio-economic benefits to the local area. The primary benefit being the retention of five jobs at Maes Mynan, and a further seven jobs associated with the transportation and processing of material at neighbouring Fron Haul Quarry. The local and regional construction industries, particularly those located in the north and west of the site would continue to benefit from the position of the quarry which is closer than other principle sources of sand and gravel in the Wrexham area.
- 7.89 The operator feels that they have a good relationship with the local community and has spoken personally to the residents of properties in close proximity to the site to keep them informed with regards to the

proposals. Letters were sent to neighbouring community councils and the applicant has kept Caerwys Town Council informed. The applicant has invited the Town Council and other interested parties to visit the quarry to view current operations and discuss the proposals. There has only been one local resident objecting to the proposal.

- 7.90 The applicant has approached the local community to enquire if there is any interest locally for a Quarry Liaison Committee to be established. Whilst at present there seems to be little interest, the applicant is willing to establish one should there be the demand in the future. As such, they have proposed a scheme for the terms of reference of a Liaison Committee so that, should there be the interest in the future, the terms of reference would provide the framework and mechanism to establish one.

7.91 ***Restoration***

The progressive restoration proposals for the site would return the site to meadow grassland with areas of woodland edge and tree planting, scrub vegetation, and marginal aquatic species located around a waterbody with wetland scrapes for nature conservation purposes and the creation of new water bodies, hibernacula and refugia adjacent to the existing quarry lagoons for amphibian mitigation. Small areas of bare sand habitat, and part of the north eastern working face would be retained to encourage biodiversity. Following the completion of the restoration of the site, there would be a five year aftercare period to ensure that the site is adequately maintained and managed after quarrying activities have ceased. A condition would be imposed to require the submission of a scheme to ensure that the site is managed and maintained appropriately for a period of five years. Annual aftercare meetings would take place to ensure that the site is being managed in accordance with the approved scheme.

- 7.92 Once restoration and planting has been completed, there would be no net loss of habitat due to the proposed restoration and planting. The restoration proposals would create new habitats and enhance existing habitats across the site. The proposal would result in a net gain of broadleaved woodland, grassland and wetland habitats above the currently approved restoration scheme.

- 7.93 During the consultation the AONB Joint Partnership suggested that opportunities for public recreation, active travel and access to enjoy the site should be included in the restoration scheme. Caerwys Town Council also requested a condition for access of the site once operations had ceased for the benefit of the community so that the biodiversity of the site could be enjoyed.

- 7.94 The applicant has considered two options for enhancing access and recreation opportunities for the site which involved the creation of permissive paths on the site, providing linkages with the existing public footpath network. Unfortunately due to landownership and

conflict with the proposed European protected species mitigation and the proposed nature conservation area, there does not appear to be any viable options for providing opportunities for recreational uses on site as the linkages would cross over land not within the ownership of the applicant and through the amphibian nature conservation area.

- 7.95 Also, given the proposed topography of the site following extraction, and the presence of the water body, options for recreation are limited. Therefore, due to the nature of the site, it is considered the appropriate after-use for the site to be one of nature conservation rather than recreation.
- 7.96 Should planning permission be granted, a condition would be imposed to ensure that the proposed planting scheme is implemented as approved, with flexibility to allow for changes in species should it be required.
- 7.97 The proposed restoration scheme is predominantly in keeping with the current approved restoration scheme. Given the net gain of broadleaved woodland across the site, and an appropriate planting plan is proposed, it is considered that the proposal accords with the provisions of Policies D3, TWH1, TWH3 and MIN4 of the adopted Flintshire Unitary Development Plan.

## **8.00 CONCLUSION**

- 8.01 The proposal involves a lateral extension to the east of the existing Maes Mynan Quarry, working in two phases with progressive restoration for nature conservation purposes until 31 May 2023. This would present an extension of time to current permitted extraction by five years as the extant permission allows for extraction until 2018. Existing and proposed restoration profiles would be achieved by the importation of inert waste materials already consented under the existing waste recovery permit from Natural Resources Wales.
- 8.02 The quarry has been in place for many years and the proposed extension is modest in area and timescale, and is relatively small in the context of the existing consented operation. The additional impact on the AONB is therefore limited and relatively modest in extent. The Regional Technical Statement for aggregates identifies a medium term shortfall in sand and gravel reserves in Flintshire to meet anticipated need in central North Wales. This provides justification for the current proposals which will assist in meeting this need.
- 8.03 There is a demonstrable need for aggregate in the region and this proposal would provide sand and gravel as required by the Region Technical Statement for North Wales and contribute to the regional apportionment for sand and gravel. It is considered more favourable to extend existing sites as opposed to opening new sites as there is existing infrastructure in place to support further mineral extraction.

The additional five years required to complete the restoration is a realistic proposal based on existing extraction rates.

**8.04** 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, amended plans and technical appendices. The environmental statement has considered and assessed the impacts of the proposed extension to the quarry in terms of landscape and visual amenity of the proposal and potential impacts on the adjacent AONB, impacts on ecology and nature conservation and adjacent designated sites/protected species, noise, air quality, traffic, transportation and highways, hydrology, hydrogeology and flood consequences, and socio-economic impacts of the proposed development and concludes that the proposal would retain some existing significant effects associated with the existing site which would be reduced and considered no longer significant as the progressive restoration of the site is undertaken. There are no significant residual effects predicted as a result of the proposal.

**8.05** 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, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted subject to conditions.

#### **9.00 Other Considerations**

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision. 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. The Council has had due regard to its public sector equality duty under the Equality Act 2010. The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
Environmental Statement  
National, Regional & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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