

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **5 DECEMBER 2018**

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

**SUBJECT:** **VARIATION OF CONDITION NO. 3 ATTACHED TO PLANNING PERMISSION REF: 045739 TO EXTEND THE LIFE OF THE PLANNING PERMISSION FROM 2020 TO 2030**

**APPLICATION NUMBER:** **058984**

**APPLICANT:** **TARMAC TRADING LIMITED**

**SITE:** **HENDRE QUARRY, DENBIGH ROAD, HENDRE**

**APPLICATION VALID DATE:** **28 AUGUST 2018**

**LOCAL MEMBERS:** **COUNCILLOR COLIN LEGG**  
**COUNCILLOR OWEN THOMAS**

**TOWN/COMMUNITY COUNCIL:** **CILCAIN COMMUNITY COUNCIL**  
**HALKYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **DEED OF VARIATION TO EXISTING SECTION 106 AGREEMENT IS REQUIRED**

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

**1.00 SUMMARY**

1.01 Tarmac Trading Limited have applied under Section 73 of the Town and Country Planning Act 1990 to vary Condition No. 3 of planning permission 045739 at Hendre Quarry to effectively extend the life of the quarry from 31 December 2020 to 31 December 2030, with a consequential extended end date for the completion of restoration to 31 December 2032.

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

2.01 The applicant to enter into a supplemental Section 106 Agreement to

attach the current agreement entered into under Section 106 of the Town & Country Planning Act 1990 (as amended), which provides for a higher blast limit compared to the conditional requirement (condition 9) at a residential property owned and leased by the applicant, to the permission arising from this application.

- 2.02 Conditions including:
1. Approved plans
  2. Duration of the permission to 31 December 2030
  3. Time limit for completing the restoration 31 December 2032
  4. Hours of working
  5. Hours of working (asphalt plant)
  6. Control of dust
  7. Dust mitigation
  8. Control of blast vibration
  9. Blast limit
  10. Blast monitoring
  11. Control of Noise during operational hours
  12. Control of Noise for maintenance outside working hours
  13. Control of noise for maintenance during weekend/public holiday daytime hours
  14. Control of noise for temporary operations
  15. Noise monitoring and reporting
  16. Noise monitoring for asphalt plant (Sunday/Bank holidays)
  17. Vehicle cleaning
  18. Withdrawal of permitted development rights
  19. Colour of fixed plant
  20. Lighting on plant
  21. Pollution control and Ground water
  22. Drainage and surface water control
  23. Soil stripping and storage
  24. Storage of top soil
  25. Storage of subsoil and overburden
  26. Management of Perimeter Woodland
  27. Maintenance of Perimeter Woodland
  28. Grassland monitoring
  29. Progressive Restoration of final quarry benches
  30. Recording and monitoring of restoration on final quarry benches
  31. Detailed scheme for progressive restoration
  32. Early Cessation
  33. Removal of fixed plant and machinery
  34. Fiver year Aftercare scheme
  35. Annual aftercare reporting
  36. Implementation of aftercare
- 2.03 If the supplemental Section 106 is not completed within six months of the date of the Committee Resolution, the Chief Officer (Planning, Environment and Economy) be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### *Local Members*

- 3.01 Councillor Colin Legg agreed to the determination of the application under delegated powers.
- 3.02 Councillor Owen Thomas - at the time of writing the report, no comments have been received.

#### *Community Councils*

- 3.03 *Halykn Community Council* – Providing that the application complies with planning policy, then no objections are raised. However, concern was raised in relation to the ‘heavy quarry blasting’ aspect which does cause disturbance to residents in the surrounding properties. The Community Council requests that these concerns could be taken into consideration when considering the application.
- 3.04 *Cilcain Community Council* – has no objection in principle to the application. However, the Community Council maintains that any planning permission should include planning conditions to alleviate the following highway concerns:
- (a) Quarry wagons exiting the Quarry at the A541 junction, and turning left towards Mold are forced to cross over the A541 centre line. Therefore, consideration should be given to the realignment of the quarry exit junction to improve the exit radius. Realignment of the junction may require widening of the side road, involving extending the highway culvert at this location. The exit road is not wide enough at present to accommodate a wagon exiting the side road at the same time as a wagon from Mold doing a right turn manoeuvre into the side road.
- (b) Loaded wagons leaving the quarry and turning left towards Mold deposit a white limestone laden water on the carriageway. The Council appreciates that the Quarry owner does arrange for a daily mechanical sweeper to clean the carriageway from the quarry exit as far as the entrance to the Antelope industrial estate. However, consideration should be given for the daily sweeping operation to be extended to cover the carriageway and footway as far as the Rhosesmor junction. In wet weather conditions the surface of the footway is extremely slippery. The grey coloured roadside verge between the quarry exit and Rhydymwyn and this slippery footway are considered to be a blight on the village.
- 3.05 *Head of Assets and Transportation* – does not object to the application. Operation of the quarry was considered by a ROMP review in 2011, this resulted in the implication of a significant number of planning conditions. There would appear to be no changes or proposed changes to the operation of the quarry since this review and no operational concerns have been raised; as such I raise no objection to the application.

I am aware of concerns raised by the Community Council. The quarry has no direct access onto the A541 but accesses via the unclassified County road linking between the A541 and the B5123. Land within the vicinity of the A541 junction is not within the control of the applicant or of the highway authority and delivery of any improvement would not be practical even if justifiable.

- 3.06 *Head of Public Protection* – has no adverse comments to make
- 3.07 *Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW)* – does not object to the proposal as is not likely to adversely affect biodiversity or protected species. The application confirms that the extension of time would not have new significant adverse effects on the environment. Provided that the remaining conditions on the current permission are adhered to, NRW have no objections to the extension of time of the operations.
- 3.08 *Dŵr Cymru/Welsh Water* – have no objection to the planning application but have requested that any drainage conditions attached to the original planning permission be included in the new consent should planning permission be granted.
- 3.09 *Clwyd-Powys Archaeological Trust* – the variation of condition would have no implications for archaeology at this location.

#### **4.00 PUBLICITY**

- 4.01 This application was advertised on 26 September 2018 by way of site notice and neighbour notification letters were dispatched to neighbouring residential properties. The application was re-advertised in the same regard on 9 October 2018 as there was a typographical error on the original notice and letters.
- 4.02 Two letters of representation have been received which raise concerns in relation to the effects of blasting at the quarry and the impact on residential properties and the amenity of these neighbouring residents.

#### **5.00 SITE HISTORY**

- 5.01 Mineral extraction at Hendre Quarry has taken place since the start of the 20th century, formalised by an initial planning permission granted in 1948. Between 1948 and 1969 a series of planning permissions were granted for extensions to the original quarry. A 'consolidation application' was submitted in 1992 (ref 3/768/92) and subsequently permitted in 1993 which was designed to provide a comprehensive working scheme for the overall quarry covering the areas permitted by the earlier permissions.

- 5.02 Condition 1 of the 1993 permission imposed a requirement that mineral extraction should cease on or before 31st December 2020, based upon assumptions at the time regarding reserves and future rates of output.
- 5.03 An initial 15 year review of the 1993 'consolidation permission' at Hendre Quarry was duly submitted in November 2008. Flintshire County Council determined the application on 22 December 2011 with the issuing of an updated schedule of 37 planning conditions.
- 5.04 The updated schedule of conditions imposed the same end date for quarrying operations as set out on the original 1993 permission by imposing Condition 3 which states: *"Mineral extraction shall cease at the Site on or before 31 December 2020. Restoration of the Site, in accordance with the details set out in the Application and as may be approved under Condition No 32, shall be completed by 31 December 2022 or within 2 years of the date of the final cessation of mineral extraction at the Site, whichever is the earlier. The dates of final cessation of mineral extraction and the completion of restoration shall be notified in writing to the MPA within one week of the said dates."*

## **6.00 PLANNING POLICIES**

### **6.01 LOCAL PLANNING POLICY**

*Flintshire Unitary Development Plan (Adopted September 2011)*

STR2 – Transport and Communities

STR7 – Natural Environment

STR10 – Resources

GEN1 – General Requirements for Development

GEN3 – Development in the Open Countryside

D3 – Landscaping

D4 – Lighting

TWH1 – Trees and Woodland

TWH3 – Woodland Planting and Management

WB1 – Species Protection

WB5 – Undesignated Wildlife Habitats

AC13 – Access and Traffic Impact

MIN1 – Guiding Mineral Development

MIN2 – Minerals Development

MIN3 – Controlling Minerals Operations

MIN4 – Restoration and Aftercare

EWP12 – Pollution

EWP13 – Nuisance

### **6.02 GOVERNMENT POLICY/GUIDANCE**

Planning Policy and Guidance

Planning Policy Wales Edition 9 (including Minerals Planning Policy)

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 11 – Noise

## Technical Advice Note 18 – Transport

- 6.03 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)  
Minerals Planning Guidance Note 14: Review of mineral planning Permissions (1995)  
Regional Technical Statement for North Wales 1st Review (2014)

## 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.

### ***Details of the proposed development***

- 7.02 Tarmac Trading Limited have applied under Section 73 of the Town and Country Planning Act 1990 to vary Condition No. 3 of planning permission 045739 at Hendre Quarry to effectively extend the life of the quarry from 31 December 2020 to a revised date of 31 December 2030, with a consequential extended end date for the completion of restoration to 31 December 2032.

### ***Site Description and Location***

- 7.03 Hendre Quarry is an established limestone quarry situated 5 km north west of Mold and north of the A541 Mold to Denbigh Road, which follows the wooded valley of the Afon Alun (River Alyn). The village of Hendre is located on either side of the A541 approximately 100 metres to the south west of the quarry, Rhydymwyn village also located on the A541 is to the south east of the quarry at a distance of 1.5 km. The village of Rhosesmor is located 2 km to the east of the quarry. The Quarry sits in the foothills of the Halkyn Mountain range which lies to the north.
- 7.04 The Quarry lies on the flanks of a deep valley in the “Hendre Gorge” and works into the hillside in a rural setting, with the small settlement of Hendre located to the south west, and isolated properties, a caravan park and farms surround the site. The site is visible from viewpoints to the south and south west of the quarry, including the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 7.05 A minor, unclassified road runs around the southern, western and northern perimeter of the Quarry. Screening mounds, with well-established trees, are located between this road and the operational Quarry area. The surrounding land use is predominantly pastoral, with cattle and sheep grazing in fields bounded by hedgerows and fences. On higher ground to the north, these fields give way to open

moorland grazed by sheep. There are substantial areas of woodland in valleys to the south, west and east.

***Relevant Planning Constraints/Considerations***

- 7.06 The Quarry is located within the open countryside, outside a settlement boundary and within a mineral safeguarding area as identified in the adopted Flintshire Unitary Development Plan.
- 7.07 The existing quarry does not lie adjacent to the nearby Halkyn Common and Holywell Grasslands Site of Special Scientific Interest (SSSI), Halkyn Mountain Special Area of Conservation (SAC). It is not within the Alyn Valley & Ash Woodlands SSSI and SAC. The site is not within, but is visible from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

**Issues**

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

- 7.08 The principle of extracting limestone in this site, and in this location has been deemed acceptable by the historical mineral working at the site which planning permission was first granted in 1948. Subsequent planning permissions were granted which provides evidence that mineral extraction at this site represents an appropriate and established land use for this site. Furthermore, mineral extraction can only take place where the mineral is found to occur. The quarry site is also located close to strategic and regional road networks.

***Need for aggregate***

- 7.09 Minerals Technical Advice Note 1: Aggregates states that it is essential to the economic and social well-being of the country that the construction industry is provided with an adequate supply of the materials it needs, but not to the unacceptable detriment of the environment or amenity. Due to its location, it is considered that Hendre Quarry has a key strategic role in limestone product supply. The proposal does not seek any additional reserves, it seeks approval to extend the life of the consent so that those permitted reserves can be extracted. The permitted reserves at the site contribute to the site's landbank and the regional apportionment figure in which the calculations within the Regional Technical Statement are based for the region's managed aggregate system.

***Need to vary Condition No.3 and to extend the time***

- 7.10 The 1993 consolidation permission ref 3/768/92 imposed a requirement that mineral extraction should cease by 31 December 2020, based upon assumptions at the time regarding reserves and future rates of output.
- 7.11 The review of the 1993 permission granted in 2011 (reference 045739) imposed the same end date for quarrying operations as set

out on the original 1993 permission.

- 7.12 In the intervening years from 1993, when the original end date was set, there have been fluctuations in output from the quarry. The quarry was acquired by Tarmac in 1999 and production at Hendre Quarry ceased for some 3 years in the early 2000's whilst production was concentrated at the nearby Pant Quarry, Halkyn which is also operated by Tarmac. Production re-commenced in 2005 with a gradual increase in production before being closed again during 2009 due to the recession. Production then resumed from 2011, with the mothballing of Pant Quarry following geotechnical difficulties at Pant Quarry in late 2010, from which time Hendre Quarry has become Tarmac's major limestone producing unit in the area. However, this coincided with the 2008 and onwards recession, where output remained suppressed. Output levels have now recovered to an average of 700,000 tonnes per annum, but, as a result of the above, there remain permitted reserves of some 13 million tonnes yet to be extracted. Based on the existing production rate, and the remaining permitted reserves, taking into account some of the lower grade 'top rock' which can be used as restoration material, there is considered to be sufficient reserves to sustain quarrying operations for approximately 12 years.
- 7.13 In order to avoid the sterilisation of these currently permitted reserves, the applicant seeks to extend the life via this planning application 31 December 2020, to a new end date of 31 December 2030 (with a consequential new end date for completion of restoration to 31 December 2032).
- 7.14 Based on current output rates, the permitted reserves will not be fully worked out by the current end date and the application seeks and additional 10 years to extract the remaining permitted reserves.
- 7.15 The extension of time will therefore allow the permitted reserves to be exploited and contribute to the apportionment figure calculated for the region within the Regional Technical Statement. Should planning permission not be granted, reserves would have to be identified, allocated and released elsewhere in the Region.

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

- 7.16 The Head of Assets and Transportation does not object to the application. There would appear to be no changes or proposed changes to the operation of the quarry since the 2011 review of the mineral permission, and no operational concerns have been raised.
- 7.17 Cilcain Community Council suggested that any planning permission should include conditions to alleviate their highways concerns. The comments regarding the junction of the unclassified road (which leads to the Quarry access road) with the A541 are noted. Notwithstanding the limitations referred to by the Community

Council within their response to this application, the junction has performed acceptably for many years. The junction with the A541 does not fall within land in the control of Tarmac. There is no land in Tarmac's control which could facilitate any highway or junction improvements. Given the fact that the junction is currently performing adequately, and in the context of historic activity at the junction, it would be unreasonable to require the Applicant to undertake junction improvements. Furthermore, it is considered that junction improvements are not considered to be necessary.

- 7.18 Output of the quarry has declined in recent years compared to the output in the 1990's. Furthermore, larger pay loads of vehicles have the effect of decreasing the vehicle movements associated with the quarry considerably.
- 7.19 Cilcain Community Council also requested planning conditions be imposed in relation to road sweeping along A541. Condition 17 of the extant planning permission reference 045739 requires vehicle cleansing on exiting the site, and sheeting of vehicles to ensure that no vehicle shall enter the public highway in a condition which is liable to cause deposits of mud, debris or deleterious materials on the public highway. Should planning permission be granted, this condition would be imposed.
- 7.20 Tarmac undertake, on a voluntary basis, measures to clean the public highway along the A451 to Rhydymwyn, generally as far as the entrance to the Antelope Industrial Estate located approximately 1 km from the access road. This distance is deemed to be sufficient to address any problems associated with detritus from quarry vehicles being deposited on the highway (noting also the internal site measures associated with the use of wheel cleaning equipment and the surfacing of the lengthy internal quarry roads). Continuing the road cleaning as far as the Rhosesmor junction (1.5km from the quarry access road) has not proven to be necessary on a regular basis, but the road is swept by Tarmac to that point on a weekly basis. In the unlikely event that any particular/extreme issues require more regular cleaning, then Tarmac would agree to in continuing the road sweeping to that position on a more regular basis than once per week. This could be discussed and agreed through the Quarry Liaison Committee. However, as noted above, for normal circumstances this is not deemed to be necessary. It is recognised that in the Autumn months there is additional detritus on the highway from leaf litter, particularly on the stretch of highway from the Industrial Estate to the Rhosesmor junction, but this is unrelated to the quarry. It is also understood that the Council's Streetscene department periodically sweeps the footway which commences in Rhydymwyn village given that the sweeper used by Tarmac is not suitable for sweeping the footway.

***Nature Conservation, biodiversity and protected species***

- 7.21 The application includes an updated habitat and protected species survey to establish if there have been any changes since 2008 when the Environmental Statement had been prepared for the ROMP review application.
- 7.22 The documentation submitted with the application confirms that the variation of the condition would not have new significant adverse effects on the environment. The existing effects are known and mitigated by a set of modern conditions applied to the existing consent. Having reviewed the Ecological Report, it is considered unlikely that the extension of time would have any impact on protected species. Provided that the conditions on the current permission are adhered to, NRW has no objection to the extension of time of the operations.
- 7.23 The County's Ecologist does not object to the extension of time. The Ecological Report is considered acceptable, but it does highlight the natural succession occurring within the grassland habitats around the quarry boundary. The Hendre Quarry Biodiversity Action Plan had Habitat targets to maintain grassland character by selective cutting where safe to do so. Condition 29 of the existing consent requires regular grassland monitoring but this, to date has been limited. The retention and effective management of the grassland would have additional benefits as a seed source and potential use of green hay which can be used on site for the required progressive restoration. The existing condition regarding grassland monitoring should be amended slightly to ensure more robust monitoring takes place. It is considered that a ten year delay in the completion of the approved restoration scheme would not result in any additional ecological effects. However, in order to ensure the retention of a succession of calcareous grassland habitats for as long as possible, the existing condition relating to pre-restoration grassland monitoring should be revised to help inform future restoration, aftercare and management measures.

***Residential Amenity; Blasting***

- 7.24 Halkyn Community Council have requested that concerns in relation to the 'heavy quarry blasting' reported to cause disturbance to local residents, be taken into consideration when considering the application. The one letter of objection received against the extension of time raised concerns in relation to the damage and stress on their property, which they feel is as a result of blasting at the quarry.
- 7.25 Since 2012, (when the Mineral Planning Authority started recording complaints electronically) the Mineral Planning Authority have only received complaints from three residents, amounting to only 6no. complaints in relation to blasting. As a result, there has been little cause to undertake our own monitoring. However, every blast is monitored by the blasting company on behalf of Tarmac. This data

has been provided to support the planning application.

- 7.26 The data confirms that in all instances, the recorded ground vibration at neighbouring Fron Farm located to the west of the quarry was below the conditional limit of 6mm/s peak particle velocity (ppv) at a 95 % confidence limit, and below the higher limit of 20mm/s ppv at a 95% confidence limit at nearby Gwrachen Farm which is permitted by a Section 106 Legal Agreement associated with the extant consent.
- 7.27 National Planning Policy for aggregates is set out in MTAN 1 and recommends a blast limit of 6mm/s ppv. Should planning permission be granted, this limit of 6mm/s ppv would continue to be imposed. Therefore, the current conditional limit of 6mm/s ppv proposed is in line with recommendations set at a national level.
- 7.28 The extant consent is subject to a Section 106 Legal Agreement which imposes a higher blast limit of 20mm/s ppv for the Gwrachen Farm, a property situated to the north of the quarry which is owned by the applicant. Should it be resolved to grant planning permission this must be subject to supplementary Section 106 Agreement to attach the agreement currently in place to the permission arising from this application.
- 7.29 The blast monitoring data provided by the applicant demonstrates that the quarry is operating in accordance with the blast limits set and imposed by the existing planning permission which would be transposed to any new development consent, should planning permission be granted. Any future complaints which may have been received by the Mineral Planning Authority, the Quarry or the Quarry Liaison Committee which meets twice a year would be investigated at the time they are received and action taken accordingly.
- 7.30 The effect of blasting at the quarry felt by local residents is from the blast causing ground vibration and what is known as air overpressure. Whilst all blasting operations undertaken by the quarry would be designed to minimise air overpressure, so far as is reasonably practicable, there are a number of factors outside of the control of the quarry which mean that predicting air overpressure levels are very difficult. As air overpressure is transmitted through the atmosphere, weather conditions such as wind speed and direction, cloud cover and humidity will all affect the intensity of the impact. Due to this unpredictability, planning conditions to control air overpressure are not considered to be enforceable. However, the results from monitoring undertaken by the quarry demonstrates that air overpressure at sensitive receptors (excluding the Gwrachen Farm) has been an average of 113 dB and over the past 6 months up to 119 dB, indicating that air overpressure from blasting at the quarry is unlikely to cause complaint in accordance with the suggested 120 dB outlined in British Standard 6472 "Guide to evaluation of human exposure to vibration in buildings". Air

overpressure can cause physical damage to properties at high level, this is typically at levels between 140 dB and 150 dB which is well above what is experienced at properties as a result of blasting at Hendre Quarry.

- 7.31 MTAN1 draws upon advice set out in British Standard 7385 Part 2, 1993 Evaluation and Measurement for Vibration in Buildings entitled "Guide to Damage Levels from Ground Borne Vibration in Buildings". The guidance sets out vibration limits to preclude the onset of damage to the types of structures encountered around quarries, including residential properties. It recognises that there is a major difference between the relatively low levels of vibration that are perceptible to people, and the far greater levels at which the onset of damage is possible. The guidance sets out the lowest vibration levels above which damage has been credibly demonstrated. Cosmetic damage, or hairline cracks in plaster or mortar joints, should not occur at vibration levels lower than 20mm/s ppv at a frequency of 15Hz and lower than 50mm/s ppv at 40Hz and above. This is significantly higher compared to the 6mm/s ppv limit which is set at Hendre Quarry. From the past six months monitoring data provided by the Quarry, the highest reading was measured at 3.55 mm/s ppv.
- 7.32 Further research has been undertaken by the United States Bureau of Mines which concluded that no damage to buildings has occurred in any of the published data at vibration levels less than 12.7mm/s ppv; again significantly higher than the levels set at Hendre Quarry, and that experienced from the blasting measurements provided.
- 7.33 To put the blasting data into perspective with by comparing this with everyday events which produce vibration; measurements taken at 1m from someone walking on a wooden floor gives a max ppv of 2.3mm/s ppv, a door slamming measured at 1m away on wooden floors gives a ppv of 5.3mm/s ppv and a foot stamp on a wooden floor measured at 1m away gives a ppv of 52.7mm/s and when measured at 6m away it diminishes to 5.6mm/s ppv.
- 7.34 The quarry company continually seeks to minimise blast vibration and air overpressure through blast design, and there is no evidence to prove that a continued ppv levels of 6mm/s can cause damage to properties. In the interests of local amenity, the quarry company try to blast at 12.45 pm on a given day (Monday to Friday), but precise timing can be delayed by operational issues and weather conditions.
- 7.35 The Quarry company could improve communication with regards to blasting through their Quarry Liaison Committee as has been effective at other quarries in the region.
- Residential Amenity; Noise and dust/air quality***
- 7.36 There have been no complaints received by the Mineral Planning

Authority or the Quarry in regard to noise levels arising from operations within the site. The time extension would not materially affect the way in which the quarry operates. The extant permission contains noise conditions which impose noise limits which would be imposed should planning permission be granted.

- 7.37 There have been no complaints received by the Mineral Planning Authority in regard to dust generated by any of the operations at the quarry. The company carries out all of the dust emission mitigation measures as specified by the conditions of the extant consent. This includes the use of a dust suppression bowser that is employed if there is a need to control dust such as in dry weather conditions, the use of a road sweeper that sweeps the quarry access roads and the adjacent public highway as required such as during dry weather periods. The road sweeper follows the route of the HGVs through the village of Rhydymwyn to clean the highway. Due to the increased output at the quarry, the road sweeper is in operation every day. Speed limits are also enforced on site. The drilling rigs are fitted with dust collecting equipment. There is a sheeting bay located on the quarry access road that allows all loaded haulage vehicles to sheet the load before leaving the Site. All HGVs leaving the quarry travel through the wheel wash that is located on the quarry access road.
- 7.38 The proposed extension of time would not materially affect the noise and dust output of the quarry operations as they would remain the same. Should planning permission be granted, the noise limits and dust control conditions would be transposed on any new permission.

***Landscape and visual impact***

- 7.39 In relation to landscape and visual impact, the extension of time would not materially affect the impact of the quarrying activities beyond that which has already been assessed and deemed acceptable by mitigation. There would be no physical changes or extension of area. Therefore, no further assessment of the landscape or visual impact of the quarry was required. This mitigation would be imposed by condition as per existing consent regarding grassland and woodland management, progressive restoration, aftercare and management.
- 7.40 The extension of time would not materially affect the approved quarry development and details of the restoration scheme. It would just delay the restoration of the site. All restoration and aftercare conditions remain relevant and up to date and would be unchanged, should planning permission be granted.
- Archaeology***
- 7.41 The extant consent contains a condition requiring the submission of a watching brief. The approved written schemes of investigation were implemented and approved. As the quarry has developed over the years, there are now no undisturbed areas within the

quarry site. Therefore this condition is no longer required and would not be included in any new development consent.

### ***Environmental Assessment***

- 7.42 The application was screened negatively on 1 June 2018 in accordance with the provisions of the Town and Country Planning (Environmental Impacts Assessment) (Wales) Regulations 2017.
- 7.43 The Screening Opinion was based on the proposed change which would comprise an extension of time of operations. The screening opinion concluded that the change associated with the extended duration proposed, would not in itself give rise to significant environmental effects which would require consideration as part of an environmental statement. Therefore, the proposal would not require an environmental statement to be submitted as part of the application. The existing environmental effects of the quarry are already understood, and have been considered as part of the 2011 development consent. The operations of the quarry are regulated and mitigated by the existing schedule of planning conditions which would be imposed should planning permission be granted.

## **8.00 CONCLUSION**

- 8.01 The environmental effects of the ongoing operations at Hendre Quarry were comprehensively assessed in the 2008 environmental statement which accompanied the Environment Act ROMP application, with detailed studies of landscape and visual effects, ecology, noise, blast vibration, air quality, geotechnics, and cultural heritage, together with studies of hydrology and hydrogeology, traffic, soil resources, and odour (relating to the approved asphalt plant). The recommendations of these studies informed the preparation of a comprehensive schedule of 37 planning conditions which were imposed as the outcome of the ROMP review (ref 045739). These conditions include detailed controls on the phased working scheme, hours of working, dust, blast vibration, noise, vehicle cleaning, ground and surface water management, archaeology, soil stripping and storage, management of perimeter woodland, grassland monitoring, and restoration and aftercare.
- 8.02 These conditions reflect best practice modern regulatory controls, which are proven to work effectively. No changes are proposed to the working scheme or to any of the existing controls which regulate the operation. The controls are regularly monitored by the Minerals Planning Authority and the company are operating the quarry in accordance with the planning conditions. The proposed change is confined to the end date of the quarrying operations. The only impact of the proposed extension of time would be a continuation of the existing mitigated effects, over a longer duration, and a delayed final restoration.

- 8.03 The proposed end date of 31 December 2030 has been calculated using the current output rates of the quarry, and the remaining 13 million tonnes of permitted reserves.
- 8.04 It is recognised that the change to the end date would have the consequence that the existing operations and related environmental effects would continue for a longer period. However, these effects are already effectively controlled by the existing schedule conditions which could continue in operation for the extended duration of the mineral extraction operations.
- 8.05 It is also recognised that the extension of time would delay the restoration of the site. However the approved scheme provides progressive restoration and therefore, the site would be restored progressively over the duration of the extended period.
- 8.06 The extension of time would allow for the 13 million tonnes of remaining permitted reserves to be extracted and worked in the existing quarry which contribute to the apportionment figure calculated in the Regional Technical Statement. Should planning permission not be granted for the extension of time, the remaining permitted reserves would remain unworked, and the apportionment would need to be acquired elsewhere. This would have major implications for the continuity of aggregate supplies in Flintshire, North East Wales and beyond into the North West Region of England.
- 8.07 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 a supplementary Section 106 agreement to attach the current Section 106 legal agreement dated 13 September 2011 to permission arising from this application.
- 8.08 If the supplementary Section 106 agreement (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning, Environment and Economy be given delegated authority to REFUSE the application.

#### **9.00 Other Considerations**

- 9.01 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.

- 9.02 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.
- 9.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 9.04 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  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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