

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **21<sup>st</sup> JUNE 2023**

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

**SUBJECT:** **VARIATION OF CONDITION 2 PLANNING REF:037406**

**APPLICATION NUMBER:** **FUL/000722/22**

**APPLICANT:** **BREEDON GROUP PLC**

**SITE:** **FRON HAUL QUARRY, NANNERCH, MOLD**

**APPLICATION VALID DATE:** **20<sup>th</sup> DECEMBER 2022**

**LOCAL MEMBERS:** **CLLR S COPPLE**

**TOWN/COMMUNITY COUNCIL:** **YSCEIFIOG COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO THE IMPACT OF THE EXISTING QUARRY AND VARIATION OF SECTION 106 AGREEMENT**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 The proposal relates to Fron Haul Quarry, an active sand and gravel quarry located near the village of Nannerch. The application seeks an extension of time to planning permission 037406 to allow quarrying operations on the site until 31 December 2031 with a further 24 months to complete the restoration of the site by 31 December 2033.
- 1.02 The main issues in considering this application relate to the impact on visual impact on the surrounding landscape, the impact on ecology, European protected species and nature conservation interests, the need to extend the life of the quarry, the impact on residential amenity, the impact of the proposal on hydrology and flood risk, and the impact on the highway.

1.03 The site is subject to a Section 106 agreement in relation to a bond for restoration works. Should planning permission be granted the Section 106 agreement will need to be amended to reflect new consent.

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

- 2.01
1. Commencement
  2. Time limit for extraction
  3. Approved plans
  4. Limit type of mineral for extraction and processing to be sand and gravel only
  5. The total amount of minerals leaving the site shall not exceed a level of 220,000 tonnes per annum
  6. Retention of approved plans on site
  7. Removal of permitted development under Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995
  8. Hours of operation
  9. Landscaping Scheme
  10. Great crested newt mitigation scheme
  11. Bat mitigation scheme,
  12. Plan showing the progress of extraction and restoration operations to be submitted.
  13. Soil storage plans
  14. Provision and maintenance of a visibility splay
  15. Provision and maintenance of a wheel wash
  16. No vehicles shall enter the public highway unless its wheels and chassis are clean.
  17. Access and Haul roads to be kept clean and in good condition.
  18. All Vehicles shall be sheeted
  19. No extraction shall take place outside the extraction boundaries
  20. Extraction boundary to be marked out for the duration of the development
  21. Submission of an updated tree protection plan prior to commencement
  22. Tree protection measure in place prior to commencement
  23. Soil handling method statement
  24. Notice of soil striping
  25. Soil storage plans
  26. Topsoil stockpile height
  27. Suitable soils making materials to be retained for restoration
  28. All topsoil, subsoil, recovered soils and imported soils shall be retained on site and none shall be sold off or removed.
  29. No soils shall be used to form any internal bund walls within the excavations

30. All plant, machinery and vehicles shall be controlled to ensure that no such plant, machinery and vehicles traverse the land prior to the stripping of topsoil and subsoil.
31. The restoration shall be carried out in accordance with approved phasing scheme
32. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse, aquifer or soil.
33. There shall be no working below 117 metres AOD.
34. Submission of a hydrological scheme
35. No solid matter, sand or gravel or other such material shall pass into any watercourse.
36. Submission of a dust management and mitigation scheme
37. Noise limits
38. Noise Monitoring
39. All vehicles, plant and machinery shall be maintained
40. Noise limit for mobile plant
41. Lighting limits
42. Retention of existing trees, shrubs and hedgerows outside of working area.
43. No site clearance during bird nesting season
44. Trees, shrubs and hedges planted shall be maintained for the lifetime of development
45. All planting work shall be carried out in accordance with the recommendations of British Standards BS4428
46. Tree planting in each phase shall be undertaken in the first planting season.
47. Soil placement and restoration
48. Supervision of site restoration
49. Soil protection measures
50. Notification of commencement of soil spreading
51. Soil depth for restoration
52. Submission of an amended aftercare scheme if development ceases prior to completion of extraction
53. Aftercare scheme
54. Annual aftercare report
55. Aftercare period of 5 years
56. Liaison Committee
57. Lighting Scheme
58. Submission of a Species Conservation Plan
59. Submission of an ecological long-term management and monitoring

### **3.00 CONSULTATIONS**

**Councillor Steve Cople (Local Member):** Requests committee determination due to the impact on wildlife and biodiversity needs to be assessed fully in particular the mitigations that are alluded to by the current operators.

**Councillor Andrew Parkhurst (Adjoining Ward Councillor):** Requests committee determination due to residents in his ward will be affected by the proposed extension.

**Nannerch Community Council (Adjoining Community Council):** Objects to the proposal and raises the following concerns:

- Non-compliance with the existing conditions
- Proposed extraction in excess of that within the LDP
- No Environmental Impact Assessment submitted with the application
- Employment benefit does not outweigh impact on other local businesses in terms of noise, dust, lighting and road traffic.
- Ecological matters not fully assessed and mitigation scheme not provided with the application.
- Increase in traffic along the A541 has led to increase in fatalities
- Existing amenity conditions are not sufficient.

**Highways Development Control:** No objection to the proposed development subject to conditions.

**Community and Business Protection:** No objection to the proposal subject to the existing conditions.

**Public Rights of Way:** Public Bridleway No. 181 abuts the site. The path must be protected and free from interference from the construction.

**Built Conservation:** Raises no objection to the proposal as outlined in this application

**Ecologist:** No objection subject to conditions

**Landscape and Trees:** No objection subject to conditions

**Natural Resources Wales:** No objection to the proposal and are satisfied that any remaining concerns can be overcome if the conditions regarding protected species are attached to any planning permission granted.

**AONB Advisory Committee:** The Joint Committee has approved the principle of extraction, as it has already been established and its impact on the Area of Outstanding Natural Beauty (AONB) has been previously assessed. They maintain that the policy environment is relatively the same. However, they warn they would strongly resist any proposals for further lateral extension in the future. The committee has expressed no opposition to the allocation within the Local Development Plan (LDP) and the approved extraction area,

with the aggregate being included in the landbank. Therefore, they do not object to an extended timeline for extraction.

They ask that certain aspects receive additional consideration when redrafting planning conditions. These include ensuring lighting is kept to the bare minimum necessary and is designed according to the Dark Skies Supplementary Planning Guidance. They also request a review of measures to control noise and dust and propose more stringent noise monitoring to acknowledge the significance of tranquillity within the AONB. They suggest reconsidering the extent of operation hours to minimise disturbance on the AONB.

**Airbus:** Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria.

#### **4.00 PUBLICITY**

4.01 55 Neighbour Notifications were sent to adjoining/nearby properties. The application was also publicised by way of Site Notices. The application was also given further publicity by way of Press Notice in a local newspaper.

Four letters of objection have been received raising the following points:

1. Concerns about increased traffic volume on Denbigh Road and its impact on local infrastructure.
2. Risk to pedestrian safety while crossing the Mold/Denbigh Road.
3. Combination of increased vehicles, slower-moving tractors, HGV vehicles, and motorbike speeds posing a risk of fatalities.
4. Protection of local nature environment, including rare wildlife species.
5. Displacement of animals and reduction in carbon effect of existing trees.
6. Potential destruction of the site's beauty, which attracts tourists.
7. Need for amendments to address increased noise levels due to site extension and other activities.
8. Insufficient mitigation measures for bats and woodland loss.
9. Concerns about prolonged and increasing noise pollution affecting property values and personal welfare.
10. Concerns about consistency of planning policy and trust in Flintshire Planning.
11. Discrepancy in noise complaints reporting and non-compliance with existing conditions.

12. Violation of permitted hours of operation and contravention of planning guidance.
13. Lack of evidence to prove mineral availability elsewhere
14. Need for a full Environmental Impact Assessment (EIA) and independent assessment of the planning statement.
15. Inaction by the Applicant in utilising the site and potential violation of existing planning permission.

## **5.00 SITE HISTORY**

- 5.01 Fron Haul Quarry has a long planning history with permissions dating back to 1956. The current permission for the site, and that under which it operates was issued on 23 May 2007, reference 037406 - Non-compliance with condition No. 51 and variation of condition Nos. 52, 53 and 54 attached to planning permission 97/27/123

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Local Development Plan

STR2- The Location of Development

STR7- Economic development, enterprise and employment

STR16- Strategic planning for minerals

PC1- The relationship of development to settlement boundaries

PC2- General requirements for development

EN4- Landscape character

EN5- Area of outstanding natural beauty

EN18- Pollution and nuisance

EN19- Managing waste sustainably

EN25- Sustainable minerals development

EN26- Criteria for minerals development

### Supplementary Planning Guidance

SPG Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)

SPGN8- Nature conservation and development

Planning for Dark Skies Supplementary Planning Guidance (December 2021)

### National Planning Policy

Planning Policy Wales ed. 11

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 11 – Noise

Technical Advice Note 10- Tree preservation orders

Technical Advice Note 21 - Waste

Technical Advice Note 23 - Economic development

Minerals Technical Advice Note 1: Aggregates

Regional Technical Statement for North Wales 2nd Review

## **7.00 PLANNING APPRAISAL**

### **7.01 Details of Proposed Development**

7.02 Fron Haul Quarry has a remaining permitted reserve of over 710,000 tonnes and accommodates the plant which is used to process the material from the nearby Maes Mynan Quarry. However, the extraction of minerals has not taken place at Fron Haul Quarry for some time. The applicant is requesting an extension of 9 years to allow for the extraction of these reserves, in addition to the completion of extraction at the neighbouring Maes Mynan Quarry, which is anticipated to be fully worked within the next 12 months

7.03 During the course of consideration of this application, the extension period was reduced from 10 years to 9 years. The application seeks consent for the additional time only, with no changes proposed to the approved working scheme. Operating hours will remain the same, and the quarry will continue to be accessed via the existing unclassified road. The number of employees at the quarry is not expected to change as a result of the proposal, but employment will be retained for the extended period of operation. Upon the cessation of quarry workings, the site will be restored in accordance with the approved scheme.

### **Site Description and Location**

7.04 Fron Haul Quarry, situated between the villages of Nannerch, Ysceifiog, and Lixwm, covers approximately 8.4 hectares. The site is accessed via an unclassified road connected to the A541, the main transport route between Mold and Denbigh, with the A55 located 4.7km to the north. Maes Mynan Quarry, approximately 3.2km east of the site, has been supplying sand and gravel to Fron Haul Quarry for processing.

7.05 The quarry is located near the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The surrounding area is primarily comprised of improved pasture and arable farming, with fields bounded by hedgerows, mature woodland blocks, and field boundary trees.

7.06 There are a number of nearby residential receptors to the site, as well as public rights of way. The site currently consists of mineral processing facilities for aggregate from Maes Mynan Quarry, restored areas of former working, and an area of unworked mineral reserve on the eastern part of the site.

### **Principle of development**

7.07 The principle of extracting sand and gravel at this site has been established through the historical working of minerals, and through

planning permissions, first granted in 1956. Subsequent to 1956, planning permissions have been granted, as detailed above, accepting that mineral extraction at this site is an appropriate and established.

- 7.08 The quarry provides important building materials, the need for which has been established and the continuation of workings will enable this asset to be extracted and used locally, reducing the need for an alternative material to be found further away and providing an important contribution to the local economy.
- 7.09 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 Maes Mynan, 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. 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.
- 7.10 The Regional Technical Statement 2nd Review (RTS2) sets out the required apportionment of crushed rock and sand & gravel for each of the North Wales Local Planning Authority areas for the period 2019 – 2024. Proposed allocations set out in the Flintshire LDP amount to 1.4 million tonnes (mt), including an allocation for an additional 500,000 tonnes at this site, however there is a marginal shortfall of 2.143mt which needs to be accounted for over the plan period.
- 7.11 This application is to work the remaining permitted reserves contained within Fron Haul Quarry, which are already accounted for within the RTS2, and contributes towards the existing landbank of sand and gravel. Should permission not be granted, and the sand and gravel reserve not extracted from the site, this would further increase the shortfall for sand and gravel in Flintshire and we would need to find additional reserves elsewhere.
- 7.12 It should be noted that there is an additional 500,000 tonnes of sand and gravel allocated within the Flintshire Local Development Plan at the site (under Policy EN 25.4), which would be in addition to the 710,000 tonnes remained within the permitted reserve. This application is to work the existing permitted received and does not include working allocation. Should the applicant wish to work this additional sand and gravel, a further grant of planning permission would be required.
- 7.13 The current extant planning permission was granted in May 2007 for sand and gravel extraction under permission reference 037406. In



accordance with the planning permission, the extraction of minerals should cease by 31 December 2022. The processing equipment at Fron Haul is limited to 120,000 tonnes per annum, and this has been processing material imported from Maes Mynan Quarry. Once Maes Mynan Quarry has been worked out, and permitted reserves at Maes Mynan Quarry exhausted, it is proposed that extraction would restart at Fron Haul.

- 7.14 The current planning permission sets a limit on the total amount of mineral leaving the site at 220,000 per annum, however historically the quarry was operated well below this level. Current extraction rates at the quarry are approximately 120,000 tonnes per annum which is limited by the capacity of the plant on site. The remaining permitted reserve is estimated to be over 710,000 tonnes, which if extracted at 120,000 tonnes per annum would take 6 years to be worked out. However, this does not allow for fluctuations in market conditions, unforeseen plant repairs reducing output, the processing of the remaining material at Maes Mynan Quarry, and any change to the estimate of the saleable material remaining within the reserve.
- 7.15 The proposal would result in the quarry being worked for an additional 9 years beyond the life of the current planning permission (8.5 years from the date of this report). Given the above considerations, this is considered to be an appropriate time period. Should planning permission be granted, a condition would be imposed to ensure that the extraction and processing shall cease by 31 December 2031 with a further 24 months to complete the restoration of the site by 31 December 2033. Following 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. A condition will also be included to ensure that should extraction be completed prior to 31 December 2022, restoration works should be completed within 2 years of the completion of extraction.
- 7.16 It is considered that the proposal accords with the provisions within PPW (chapter 14), MTAN1, the RTS 2<sup>nd</sup> review for North Wales and Policy EN25 of the adopted Flintshire Local Development Plan.

#### Landscape and Visual Impact

- 7.17 A Landscape and Visual Statement has been submitted in support of the planning application, which examines potential landscape and visual impacts resulting from the proposed development's increased operational and restoration timescales. The site is situated within the northern parts of National Landscape Character Area (NLCA) 12: Bryniau Clwyd/Clwydian Range, described as an extensive upland area with a rich cultural history and mineral wealth.

- 7.18 The applicant seeks consent for an additional 10-year period, allowing quarrying operations to continue and progressively restore the site in accordance with the consented restoration scheme. The Landscape and Visual Statement indicates that views of the site are mostly screened due to mature woodland and the descending landform profile of the northern valley slopes. Visibility would be limited to local areas near the site and specific elevated locations to the south.
- 7.19 The statement concludes that while ceasing site operations and restoring the site would bring an end to any landscape and visual effects, the proposed development would not result in significant adverse impacts. Any effects would be minimal and temporary, as the site is well-contained by landform and mature woodland. Upon completion of operations, the restored site would assimilate well with the surrounding landscape context and be in line with the local landscape character.
- 7.20 Consultation has taken place with the Joint AONB Committee who do not object to the proposed development, as it has already been established and its impact on the Area of Outstanding Natural Beauty (AONB) has been previously assessed. In addition to the current suite of conditions, they ask that lighting is kept to the bare minimum necessary, and is designed according to the Dark Skies Supplementary Planning Guidance. They also request a review of measures to control noise and dust, and propose more stringent noise monitoring to acknowledge the significance of tranquillity within the AONB. The existing conditions include the provision of yearly noise and dust monitoring, however an additional condition will be added to include the submission of a lighting scheme.
- 7.21 The development is deemed acceptable in landscape impact terms and is compliant with Policies EN4 within the adopted Flintshire Local Development Plan.

### Ecology

- 7.22 Updated ecological surveys have been carried out to support the current application, including a Preliminary Ecological Assessment (PEA) in September 2022. The PEA encompassed a desk study for a 2km search zone and a field survey comprising an Extended Phase 1 habitat survey, focusing on the extraction area that has not yet been worked.
- 7.23 The PEA found that the site is mainly composed of secondary broadleaved woodland that has developed on the open farmland surrounding Fron Haul, a former farmstead. The original farm buildings were removed about 10 years ago, with a bespoke bat house provided to mitigate the loss of bat roosts. The site also contains a small area of ancient woodland, bare sandy ground,

ephemeral short perennial vegetation, scattered scrub, and bracken. While most of the woodland habitat would be lost due to quarrying activity, mitigation has already been agreed upon and secured through a detailed restoration strategy. No additional mitigation is considered necessary.

- 7.24 A comprehensive suite of bat surveys were conducted in July, August, and September 2022 to assess the use of the bat house and woodland habitats. The surveys confirmed the presence of various bat species and identified that previous mitigation measures, such as the bat house provision, have been successful. It is considered that a further mitigation strategy for bats should be produced and agreed upon secured via a planning condition prior to any clearance works. Precautionary Methods of Working should also be agreed upon with the Local Planning Authority.
- 7.25 It is assumed that dormouse is likely to be present with suitable habitats across the site but that any population is likely to be in unfavourable status in line with a general reported decline in dormouse in Flintshire. The PEA identifies that the suitable habitats are likely to be those woodland compartments which contain a well-developed shrubby understorey of native species, particularly hazel, which are concentrated around the edges of the site. It is considered that the central portion of the site lacks a suitable shrubby layer and/or hazel and is considered unsuitable for dormouse.
- 7.26 The site has the potential to support various other species, including nesting birds, hedgehogs, polecats, reptiles, and common amphibians. The PEA recommends addressing these species' requirements through precautionary working method statements to be provided to and agreed upon by the local planning authority prior to the commencement of works. It is known that great crested newts are present within the operational quarry, and a European Protected Species Licence application is currently being prepared.
- 7.27 Consultation has taken place with both Natural Responses Wales and the County Ecologist, who raised no objection to the proposal subject to the mitigation and avoidance measures outlined within the application.
- 7.28 In conclusion, the impact of the proposed development on ecology has been thoroughly considered, and the proposed mitigation measures proposed, ensure no significant adverse impacts on protected habitats or species. The development is deemed acceptable in ecological terms and is compliant with Policies Policy EN6: Sites of Biodiversity Importance and Policy EN7: Development Affecting Trees, Woodland and Hedgerows within the adopted Flintshire Local Development Plan.

## Highways

- 7.29 Currently, Fron Haul Quarry does not carry out any mineral extraction, as it processes material transported from Maes Mynan Quarry, which is approximately 3.5 km away along the A541. Material from Maes Mynan Quarry is expected to be exhausted within the next two years, and once this occurs, mineral excavation at Fron Haul will recommence. The processing of material at Fron Haul will remain consistent with the current method used for materials from Maes Mynan Quarry.
- 7.30 Access to Fron Haul Quarry will continue to be via the existing unclassified road located east of the site, connecting to the A541. No additional access points are proposed for quarry-related traffic. The site's annual production is anticipated to be around 120,000 tonnes, and the proposed extension of time will not result in an increase in heavy goods vehicle (HGV) movements. At present, around 40 HGV movements per day transport 135,000 tonnes of material annually from Maes Mynan to Fron Haul, of which 120,000 tonnes is processed and 15,000 tonnes stockpiled.
- 7.31 Once extraction at Maes Mynan Quarry is completed, the traffic transporting minerals between the two quarries will cease (approximately 40 HGV movements per day), and it is anticipated that vehicle movements at Fron Haul will be less than the current situation. The existing permission at Fron Haul Quarry does not impose specific limitations on vehicle numbers entering or leaving the site but does restrict the amount of mineral leaving the site to 220,000 tonnes per annum through condition 5. Given that the expected annual production is around 120,000 tonnes, it is likely that traffic generation will be significantly lower than if the site were operating at maximum permitted output.
- 7.32 Concerns have been raised regarding highways safety for both pedestrians and road users, coming into conflict with the HGV traffic associated with the quarry. However, the A541 and existing access to the site are deemed suitable for the scale and nature of traffic associated with the development. The current operation at Fron Haul Quarry has minimal impact on highway safety and capacity, thanks to measures such as wheel wash facilities, road sweeping and cleaning, and sheeting loaded HGVs, as required by conditions 15, 16, 17, and 18 of the existing consent.
- 7.33 In conclusion, the proposed extension of time for Fron Haul Quarry is not expected to result in any unacceptable impacts on highway safety or capacity, and it is in compliance with Policy PC5: Transport and Accessibility within the adopted Flintshire Local Development Plan.

### Amenity

- 7.34 The current planning permission for Fron Haul Quarry includes several conditions designed to protect the amenity of neighbouring properties. These conditions cover aspects such as limited working hours, dust monitoring and suppression, noise limits, regulation of mobile plant usage, and floodlighting restrictions. The application proposes no change to the remaining conditions. Consultation has taken place with the Environmental Health Officer who has no objections to this proposal subject to the 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 EN18 and EN26 within the adopted Flintshire Local Development Plan.
- 7.35 According to our records, prior to the submission of this application, the Minerals and Waste Planning Service have not received any complaints relating to activities at From Haul Quarry. One complaint was received in relation to Maes Mynnan Quarry relating to material on the highway, which was satisfactorily dealt with by the operator.

### Hydrology and Hydrogeology

- 7.36 The current application is subject to a number of planning conditions to ensure that there is no negative impact upon the local water table during extraction, this includes no working below 117 metres AOD. Whilst details of the hydrological scheme have previously been considered as part of the original application, an updated scheme will be required by condition

### Economic benefits

- 7.37 The direct employees at the quarry are currently six. Allowing the extension of time would mean that the current level of employment would continue for a further period of approximately 10 years and the aggregate materials from this site would contribute to a competitive mineral supply in the local area. Should the extension of time not be granted, a reserve of sustainably accessible mineral, that provides an employment and economic benefit to the area, would be sterilised.

### Environmental Assessment

- 7.38 The application was screened negatively accordance with the provisions of the Town and Country Planning (Environmental Impacts Assessment) (Wales) Regulations 2017 (i.e. the application was not

considered to be Environmental Impact Assessment requiring the submission of an Environmental Statement).

- 7.39 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.
- 7.40 The existing environmental effects of the quarry are already understood, and were considered as part of the 2007 development consent. The operations of the quarry are well regulated and mitigated by the existing schedule of planning conditions which would be imposed should planning permission be granted, and the proposed change does not introduce any new significant environmental impacts. Concerns have been raised that residents were not involved in the Screening Opinion process. It is not a statutory requirement to consult members of the public during the Scoping process, but the documents are publicly available on the council's website.

## **8.00 CONCLUSION**

- 8.01 The environmental effects of the ongoing operations at Fron Haul Quarry were comprehensively assessed in the 2007 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 and soil resources. The recommendations of these studies informed the preparation of a comprehensive schedule of 55 planning conditions which were imposed as the outcome of the consideration of that application. These conditions include detailed controls on the phased working scheme, hours of working, dust, blast vibration, noise, vehicle cleaning, ground and surface water management, soil stripping and storage, management of perimeter woodland, 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. 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 2031 has been calculated using the current output rates of the quarry, and the remaining 710,000 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 710,000 tonnes of remaining permitted reserves to be extracted and worked in the existing quarry which contribute to the Regional Technical Statement 2<sup>nd</sup> review. 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.
- 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 variation to a supplementary Section 106 agreement attached to the existing planning permission.
- 8.08 If the supplementary Section 106 agreement (as outlined above) is not completed within six months of the date of the committee resolution, delegated is authority sought to REFUSE the application
- 8.09 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  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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