



Your Ref: P/2022/0448

Hannah Parish
North Wales Minerals and Waste Planning Service,
Planning, Environment and Economy
Flintshire County Council
County Hall
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CH7 6NB

By Email: Hannah.Parish@flintshire.gov.uk

26th May 2022.

Dear Hannah Parish,

Re: Consultation Response – Extension to the Extraction Areas within the Existing Permitted Quarry Boundary – Ballswood Quarry, Gegin Lane, Llay, Wrexham (Ref: P/2022/0448).

I refer to the email of 19th May 2022 from Wrexham CBC consulting the Department on the above planning application. This response is made in accordance with:

- Schedule 5 of the Town and Country Planning Act 1990 (as amended); and,
- Minerals Technical Advice Note (MTAN) 1, Chapter D - March 2010¹.
- Annex B of Technical Advice Note (TAN) 6 – 2010.
- Planning Policy Wales (PPW), Edition 11 – 2021.

This response will first set out our consideration of the Agricultural Land Classification survey undertaken for the site, followed by our response on the proposed application and wider worked area within the existing permitted boundary.

1. Agricultural Land Classification (ALC) Survey - Technical Review:

An ALC report has been prepared by Reading Agricultural Consultants (RAC) (Ref: 9445 – *Land at Ballswood Quarry, Wrexham (Area A)*, dated January 2022) – a copy is attached for information. The report found the survey area to be 4.10ha ALC Grade 2 and 0.25ha 'Non-Agricultural' land – a total of 4.35ha surveyed.

¹ <https://gov.wales/minerals-technical-advice-note-mtan-wales-1-aggregates>

The Department has undertaken a validation of the RAC survey report and can confirm it has been undertaken in accordance with the '*Revised Guidelines and Criteria for Grading the Quality of Agricultural Land*' (MAFF 1988)².

2. Agricultural Land Classification (ALC) Survey – Advice:

The ALC Survey Report by RAC (*Ref: 9445 – Land at Ballswood Quarry, Wrexham (Area A), dated January 2022*) can be accepted by your Authority as an accurate reflection of the land quality on the site.

This confirms that the proposed extension application site, if approved, would **involve the loss of 4.10ha of Best and Most Versatile (BMV) agricultural land** (ALC grade 2).

3. Agricultural After Use:

Extension:

The extension application area appears to be in productive agricultural arable use currently and historically. The submitted Planning Statement (by Kedd Ltd. dated May 2022) in Section 7.10.9 notes that '*All existing agricultural land will be restored utilising the current in-situ soils and to the current original soil profiles.*' It is unclear in the submitted documents if the proposed agricultural restoration will be to the pre-working condition (ALC Grade 2 agricultural land as confirmed) or not.

Section 7.1.10 of the Planning Statement notes '*Soil stripping, temporary soil storage and replacement will be carried out in full accordance with the Good Practice Guide for Handling Soils in Mineral Workings published in 2021 by the Institute of quarrying*'. However, it is unclear which methods have been selected and how this relates to soil stripping, storage, restoration and aftercare, as no scheme has been provided.

Although an ALC survey and report has been undertaken, the applicant has not provided a Soil Physical Characteristics Report for the extension area – this is essential prior to granting permission due to the BMV status of the land. In providing a view under Schedule 5 of the 1990 Act, and should the proposal be to return the site to its pre-working agricultural condition, it is essential to know the soil resources present to inform soil stripping, handling, storage, placement, and restoration proposals and to be able to condition against an approved scheme.

If an agricultural after use is agreed to be appropriate, the recovery of soil resources should be maximised; sand and gravel sites are vulnerable to drought where shallow soils are replaced directly onto mineral. It is not clear what is being considered as mineral and soil by the Applicant.

Existing Site:

A concept restoration plan has been provided for the entire operational area (existing workings and proposed extension). To the Department's knowledge, there is no approved restoration and aftercare scheme for the site. There is no information on the volume, location and physical characteristics of existing soil stores to inform the concept restoration. Therefore, the Department cannot assess whether the concept restoration plan is achievable, and appropriate; to what after use standard should be achieved; and, how it links with the extension application and surrounding landform. In addition, it is not clear how final landform levels will be achieved and whether there are water table and drainage issues across the site.

² <http://publications.naturalengland.org.uk/file/5526580165083136>

4. Additional Information:

- Clarification as to whether the extension area will be restored to the pre-working condition - ALC Grade 2 agricultural land, as confirmed by the RAC survey.
- The provision of a Soil Physical Characteristics Report which is to include:
 - Soils present
 - Soil units
 - Soil stripping proposals by units
 - Soil nutrient status

It may be possible to derive this information from the ALC survey. However, this is matter for the Applicant to clearly state and not for the Department to assume (MTAN 105). An example ALC & Soil Physical Characteristics Report is attached for information.

- The provision of a restoration and aftercare scheme for the extension area.

Reclamation means the treatment of land affected by mineral workings in such a way as to restore the land to a satisfactory state and is defined in the Town and Country Planning Act 1990 to include both restoration and aftercare. Restoration and aftercare must provide the means to maintain or, wherever possible, enhance at the earliest opportunity the long-term quality of land that has been used for mineral extraction, so that it may become suitable for a beneficial use.

It is the responsibility of the mineral operator to design and implement a high-quality restoration and aftercare scheme that must be an integral part of any mineral extraction application (MTAN 97).

Preparation of a Reclamation & Aftercare Scheme is detailed in MTAN1 from paragraph 103.

- The provision of a restoration and aftercare scheme for the existing site area in accordance with MTAN1 provisions, including though not limited to:
 - volume, location and physical characteristics of existing soil stores & in-situ soils
 - levels, base materials, location & volume of base materials, importation, drainage, water levels.
 - Soil handling and base material preparation.

5. Expression of View:

Having considered this proposal in light of the Welsh Government's Planning Policy Wales provision for the protection of BMV agricultural land (paragraphs 3.58 & 3.59) and Schedule 5 of the 1990 Act; and MTAN1 Aggregates (Chapter D), the Department for Climate Change wishes to express an **OBJECTION** in the long term national agricultural interest for the following reasons:

1. The proposal has not demonstrated that the site can be reclaimed to an acceptable standard and after-use. The applicant has not prepared a working plan which includes restoration proposals and is based upon findings from site investigations. This should have been presented in sufficient detail for the MPA and statutory consultees to form a judgement as to its feasibility (MTAN1 paragraph 106).
2. There is significant doubt about whether satisfactory reclamation can be achieved at the site, and as such, the planning permission should be refused. (MTAN1 paragraph 97).

3. The lack of a soil physical characteristics report, and the lack of a detailed scheme means the Department does not have confidence that the land and its physical characteristics can be restored, as far as reasonably practicable, to what they were when it was last used for agriculture (in accordance with paragraph 3(1) of Schedule 5 of the 1990 Act).
4. The key principle of achieving, without compromise, a high standard of restoration and aftercare so as to avoid adverse impacts has not been met (Planning Policy Wales paragraphs 5.14.2).
5. Given the extension area is (Grade 2) BMV agricultural land and without an acceptable scheme, mineral extraction may cause demonstrable harm to the environment, including designated sites, or amenity, which cannot be overcome by planning conditions or agreements (Planning Policy Wales paragraphs 5.14.3).
6. When operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife (Planning Policy Wales paragraphs 5.14.4). The proposal lacks the necessary detail to reasonably assess and provide confidence that a high standard of reclamation and beneficial and sustainable after-use can be achieved.
7. For the reasons given above, the extension proposal represents the permanent loss of BMV agricultural land and the possible future loss under any subsequent extensions. The sequential test as set out under PPW paragraphs 3.58 & 3.59 should be addressed in full. The view is expressed in accordance with TAN6 Annex B2 (a loss which is less than 20 hectares but is likely to lead to further losses amounting cumulatively to 20 hectares or more) and B5 (other planning applications with significant agricultural implications which come to the attention of the Department).

The Department would be prepared to reconsider its position should the Applicant provide the additional information detailed in Section 4 of this response.

The view expressed does not bind any other part of Welsh Government commenting on the proposal. I trust the above expression of view and associated remarks are clear and unambiguous. Please do not hesitate to contact if necessary.

Yours sincerely



Arwel Williams.
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Enc. ALC Report - Ref: 9445 – *Land at Ballswood Quarry, Wrexham (Area A)*, dated January 2022.

Agricultural Land Classification & Soil Handling Strategy - Proposed extension to Longlands Quarry (August 2020).