

AGENDA ITEM NO.

REPORT TO:	Planning Committee
REPORT NO.	COEP/51/22
DATE:	7 November 2022
REPORTING OFFICER:	Chief Officer Economy and Planning
CONTACT OFFICER:	Matthew Phillips (Ext 8780)
SUBJECT:	Ballswood Quarry Planning Application
WARD:	N/A

PURPOSE OF THE REPORT

To determine planning application reference P/2022/0448 for the proposed extension to the extraction areas at Ballswood, Quarry, Gegin Lane, Llay following the deferral of the application after the Planning Committee site visit held on 14th October 2022.

INFORMATION

A detailed report on the application together with a recommendation is attached.

RECOMMENDATION

See attached report.

BACKGROUND PAPERS

None.

APPLICATION NO: P/2022 /0448	LOCATION: BALLSWOOD QUARRY GEGIN LANE LLAY WREXHAM LL12 0NU	DATE RECEIVED: 06/05/2022
COMMUNITY: Llay	DESCRIPTION: ESTYNIAD I'R ARDALOEDD ECHDYNNU O FEWN FFIN BRESENNOL Y CHWAREL A GANIATEIR / EXTENSION TO THE EXTRACTION AREAS WITHIN THE EXISTING PERMITTED QUARRY BOUNDARY	CASE OFFICER: FL2
WARD: Llay		AGENT NAME: MR ROBIN SMITHYMAN
APPLICANT(S) NAME: MR RICHARD PARTON		

This application was reported to the 3rd October 2022 Planning Committee meeting. Members deferred the application to undertake a site visit which took place on 14th October 2022. Following the site visit, Members voted for a further deferral of the application.

Comments from Councillor Robert Walsh: Following the publication of the 3rd October Committee Report, a representation was been received from local ward member Councillor Robert Walsh objecting to the application. The comments were reported in the Addendum to the 3rd October meeting and are summarised below:

- Adverse effect on the residential amenity, and physical and mental health of local residents
- Adverse effect on a very rural setting and country lane which result in regular problem that are associated with the operation of the quarry
- Adverse effect from the high frequency and speed of large vehicles travelling Gegin Lane, which is a country lane and unsuitable for the size and frequency of HGVs associated with the quarry
- Vibrations resulting from HGV movements
- Hours of operation; vehicles waiting to access the site at 6am
- Pedestrian safety as there are no footways along Gegin Lane
- Dust and debris on the highway
- Dust from the quarry resulting in dirty cars and window sills
- Health concerns from dust inhalation
- Noise and vibration from the quarry
- Concerns associated with the administration of application
P/2016/0110
- Concerns over the lack of monitoring of current operations and the enforcement of existing conditions by the various regulating bodies

- Existing problems associated with the operation of the quarry would contribute to a further deterioration of the physical and mental health of residents should this application be approved.

Site Visit: Members visited the site on 14th October 2022 to allow them to consider the effects of the proposed development on the local environment and highway infrastructure. Members and Officers visited the quarry site itself, where the proposed extension area was indicated to Members, along with the proposed location of the internal haul road and secondary wheel wash. Members and Officers also viewed the site from Gegin Lane at the location of the former access to the Quarry off Gegin Lane which lies close to the nearest residential properties to the site.

Following the site visit, Members raised concerns about the need for the development as well as the impact of the development on the rural landscape and Special Landscape Area, loss of hedgerow, highway safety and the impact on residential amenity as a result of noise and dust emissions from the proposed extension.

Councillor Apsley proposed refusal of the application on the following grounds:

1. Insufficient evidence has been submitted to demonstrate that the proposed development is required in order to meet a need for additional mineral resources, thus the development conflicts with policies PS9, MW1 and MW2(a) and (b) of the Wrexham Unitary Development Plan.
2. The development would have a material and detrimental impact upon the rural landscape and Special Landscape Area from both near and distant viewpoints and therefore conflicts with policies PS2, GDP1 and EC5 of the Wrexham Unitary Development Plan.
3. The development would result in the loss of hedgerow which would result in a harmful ecological impact and a detrimental impact upon the character of the area, thus conflicting with policies EC4 and EC6 of the Wrexham Unitary Development Plan.
4. The development would generate traffic that would have an adverse impact upon pedestrian and highway safety, and therefore conflicts with policy GDP1(d) of the Wrexham Unitary Development Plan.
5. The development would have a detrimental impact upon the amenity of local residents and the environment by way of noise and dust emissions thus conflicting with policy GDP1(f) of the Wrexham Unitary Development Plan.

Observations: The matters raised by Councillor Walsh within the Addendum were addressed within the main report presented to the 3rd October meeting at Agenda Item 4g. A full copy of this report is appended below. It is

considered that, with the mitigation proposed, and the suggested conditions as set out in the report, and with the additional supplementary conditions set out below, any adverse effects can be suitably mitigated as stated within the report.

In respect of each of the reasons for refusal proposed at the 14th October meeting, these are addressed in detail in the main report presented to the 3rd October meeting. However, a direct response to each is also provided below for the benefit of Members:

Reason 1: Need

Table 1 below is taken from the Regional Technical Statement 2 (RTS2). This table was also included in the report to Executive Board on 9th March 2021.

Local Planning Authority	New Annualised Apportionment for sand & gravel (mt)	Total Apportionment Required over 22 years (mt)	Existing Permitted Reserves at end of 2016 in mt	Minimum Allocation needed to meet Required Provision	Additional reserves at Dormant sites, 2016 (mt)
Denbighshire	0.000	0.000	0.000	0.000	0
Flintshire	0.223	4.912	1.369	3.543	0.5
Wrexham	0.646	14.217	12.652	1.565	0
Conwy & Snowdonia NP	0.000	0.000	0.000	0.000	0
Gwynedd	0.174	3.834	1.175	2.659	0
Isle of Anglesey	0.000	0.000	0.000	0.000	0
Sub-totals, N Wales	1.044	22.963	15.196	7.767	0.5
Totals Wales	1.352	29.750	18.406	11.618	0.85

Table 1: Apportionments, Reserves and Allocations for Sand & Gravel in North Wales

The 22 year apportionment period referred to in the third column of Table 1 above relates to the Local Development Plan (LDP) period (2013-2028) plus 7 years. This period of time accords with Minerals Technical Advice Note 1 (MTAN1), which requires there to be a sufficient supply if permitted reserves for the full 22 year period. (MTAN1 paragraph 49). As MTAN1 states, this period of time is for the purposes of commercial stability, the aggregates industry requires a proven and viable landbank. The apportionment figure (set out in million tonnes) is the amount of sand and gravel that will be required over the Plan period, plus 7 years i.e.22 years.

As MTAN1, para 45 states ‘a ‘landbank’ is a stock of planning permissions for the winning and working of minerals. It is composed of the sum of all permitted reserves at active and inactive sites at any given point in time and for a given area.’

Table 1 above identifies the annual and total apportionment of sand and gravel requirements for each Council area in North Wales, with Wrexham’s being 0.646m tonnes per annum, and 14.217 million tonnes over the full

required 22 year period. As of 2016, Wrexham's permitted reserves (over the two sand and gravel sites; Borrass and Ballswood) were recorded at 12.652 million tonnes, which equates to a landbank of 19.6 years. Therefore, the amount that is required to fulfil the apportionment of 14.217 million tonnes is a further 1.565 million tonnes of sand and gravel.

Whilst Members may consider 12.652 million tonnes (or a landbank of 19.6 years) to be excessive and sufficient for the needs of the County Borough, it is important to note that the projections of aggregate needs is based on an agreed methodology as set out in the RTS2 from paragraph 3.43. This states that the future aggregate provision is calculated with a combination of historical sales data and the planned requirement for housing construction in the LDPs. This is due to the fact that construction levels and need for aggregate are intrinsically linked. Effectively, the required provision of 1.565 million tonnes referred to in the RTS2 refers to the minimum needed to meet the required provision over the plan period, plus 7 years.

Wrexham's overall requirement as set out in the RTS2 therefore equates to a shortfall of 1.565 million tonnes which would ensure that there is sufficient reserves permitted for the entire plan period plus 7 years.

As stated in the Officer's report of 3rd October 2022, the RTS2 was endorsed by the Executive Board on 9th of March 2021, and therefore the Council has already accept that there is a need for additional sand and gravel resources to be extracted in the County Borough. These resources could only be obtain by either:

- a) Granting planning permission for an extension to one of Wrexham's existing quarries (Ballswood and Borrass); or
- b) Granting planning permission for an entirely new quarry.

Having regard to RTS2, the proposed extension to Ballswood Quarry is entirely consistent with UDP policy MW1. Extending an existing quarry is also considered sequentially preferable to a new quarry in both PPW (para 5.14.48) and UDP policy MW2.

There are no other proposals before the Council for additional mineral working elsewhere in the County Borough. Members will appreciate that mineral resources can only be worked where they are found to occur, and in light of the above, it would be unreasonable to cite lack of need for the mineral as a reason for refusal.

Reason 2: Landscape and visual impact

Policy PS2 seeks to prevent developments that materially detrimentally affect the countryside and landscape. The proposed development would be visible from some near and more distant vantages, but it would be viewed in the context of, and indeed as an integral part of, the existing consented quarry, which is the dominant landscape feature in the area. The additional landscape impacts are therefore relatively localised. The development would

not, therefore, materially alter the character of the countryside or landscape and accordingly there is not conflict with PS2.

In respect of GDP1(a), this refers to built development. The proposed development is for mineral extraction, rather than built development and as such this part of the policy is therefore arguably not applicable to the application.

Even if the objective of part (a) of the policy is applied to proposals for mineral working, the context of the application site must be considered. The proposal would inevitably and significantly change the appearance of the application site whilst the preparation works (soil stripping etc.) and mineral extraction operations are taking place. However, this additional impact must be seen in the context of the existing consented quarry. Moreover, given the size of the application site and the workable reserves within it, the impact would be relatively short term and considered to be temporary. Furthermore, it would be mitigated in the long term by the restoration and aftercare schemes required by conditions 31 and 32 as proposed, which will ensure the site is re-integrated into the rural landscape, and restored back to an agricultural used. Accordingly there is no conflict with Policy GDP1(a) of the UDP.

With regards to the Special Landscape Area (SLA) and compliance with policy EC5, all of what of what has already been stated above is also applicable. It is also worth noting that the site and the surrounding countryside is not be subject to a Special Landscape Area in the emerging LDP.

The boundaries of the SLAs within the LDP are informed by EBN03: Special Landscape Areas Study (the Study). In determining which areas of the County Borough should be designated as SLA, the Study referred to LANDMAP (paragraphs 3.2.1-3.2.5) and, in particular, to the spatial data sets for five topic areas:

- Cultural Landscape
- Geological Landscape
- Historic Landscape
- Landscape Habitat
- Visual and Sensory

LANDMAP provided an overall assessment of the quality of the landscape for each of the five topic areas.

Paragraph 9.4.8 of the Development Management Manual (DMM) advises that certainty regarding the content of an LDP will only be achieved when the Inspector delivers their binding report, which takes place following the completion of an Examination in Public (EiP). Paragraph 9.4.9 of the DMM does however acknowledge that the evidence underpinning an emerging LDP could be used as a material consideration when making planning decisions.

Given the age of the UDP (the plan period having expired in 2011) the Study is considered to be a relevant material consideration when determining the

weight afforded to policy EC5. It should also be noted that the LDP is at an advanced stage of preparation. At no point during the Examination in Public have the LDP Inspectors given any indication that they dispute the methodology of the Study, or in turn the boundaries of the SLAs that have regard to it. To this end, the site is unlikely to remain within the SLA boundary in the longer term.

Reason 3: Ecology and loss of hedgerow

The Council's Ecology and Arboricultural Officers, in addition to Natural Resources Wales, raise no objection to the proposal subject to conditions being imposed (Conditions 24 – 28). The Council would therefore not be able to offer any technical evidence to defend a reason based on ecological harm, if challenged by a formal appeal.

It is understood that Members have expressed concerns about the removal of hedgerows along the boundary of the existing quarry with Gegin Lane. Whilst these works are not condoned, they do not form part of the application site. As such, citing the removal of hedgerows which are located outside of the application site as a reason for refusal of the development would, in planning terms, be entirely unreasonable.

Furthermore, should planning permission be granted, no hedgerows would be removed as a result of the extension of the quarry proposed in Area A. As part of the proposed restoration of the extension area, approximately 280 linear metres of new native hedgerow with hedgerow trees would be established. This equates to approximately 1,680 native hedgerow plants and 28 native hedgerow trees.

For Ballswood Quarry as a whole, the draft concept restoration scheme includes ~ 6.58 Ha of new native tree and shrub planting which equates to ~ 16,450 native trees and shrub species. Approximately 1,270 linear metres of new hedgerow would be established equating to ~ 7,620 native shrubs and 127 native trees.

It was noted at the committee meeting on 14th October that the section of the boundary of the Site at the location of the former access to the Quarry could be improved in term of boundary treatment.

The applicant has confirmed that fencing could be erected in November/December this year. Fencing could be stock proof fencing with two strands of round wire (no barbed wire) with any additional hedgerow / planting carried out in this year's planting season (mid to late November to end of March).

Should planning permission be granted, a condition should be included to require a scheme to provide details of the proposed boundary treatment at this location on the site, and a time limited of installation within 2 months of the date of the permission, and planting to be carried out in the next year's planting season. Whilst this part of the site is not within the red line boundary

of the application site of Area A, this part of the site is within the applicant's control and therefore enforceable.

Reason 4: Pedestrian and highway safety

Members are reminded that this is an application for an extension to the existing consented quarry. It is not a proposal for a new quarry. When considering an application for an extension to any extant use or development, it is necessary to consider whether the proposals are likely to give rise to any different or greater impacts upon highway safety than the extant use. In this particular case, the development would not give rise to additional traffic over and above that already travelling along Gegin Lane to and from the quarry. The proposed development therefore would not increase danger to highway users or pedestrians.

The application also includes measures set out in the main report and conditions that will mitigate against mud and debris on the road (Conditions 11 – 13) . Prior to the meeting on the 14th of October the applicant also presented a plan proposing a permissive on land within the quarry, on land within the applicant's control which would run parallel with Gegin Lane, thus affording pedestrians an opportunity to avoid the need to walk in the carriageway. In addition, to this, the applicant has purchased speed awareness and advisory signs to request that drivers reduce their speed to 20mph. On balance, the measures proposed by the applicant are likely to improve pedestrian safety, not worsen it.

Should planning permission be granted, a conditions would require the installation of the permissive path, and erection of advisory signage.

It is worth noting that the quarry is not the sole user of Gegin Lane and in particular, is not the sole site that generates traffic, including HGV movements. Homestead Garage utilises the same access off Gegin Lane as the quarry. The site has a lawful use, and is not subject to any planning conditions that regulate the scope or intensity of the use. HGVs associated with the neighbouring Dependable Concrete site are also users of the public highway.

Members are reminded that the Highway Authority raises no objection to the proposal and therefore no conflict with policy GDP1(d) is identified. On this basis, the Council would not be able to offer any technical evidence to defend a reason based on harm to the safety of highway users if challenged by a formal appeal.

Reason 5: Noise and dust pollution and impacts on amenity.

In common with the matters discussed in respect of the impact on the public highway and pedestrian safety, as the development forms an extension of an existing use, with no material change in the methodology of extraction, the development would therefore not give rise to any additional impacts in respect of noise or dust.

Furthermore, given the distance of the application site from residential properties, the proposed extension at Area A would not present mineral working any nearer to residents on Gegin Lane. Any controls over noise and dust would be secured by planning conditions to ensure that the extension would not adversely impact upon residential amenity, namely:

- Hours of operation (condition 09);
- Dust (condition 10);
- Mud associated with vehicular movements (conditions 11, 12 and 13); and
- Noise (conditions 14, 15 and 16).

In addition to the conditions set out to mitigate any adverse noise/dust, as stated previously the applicant is proposing the installation of a secondary wheel wash and concreting an internal haul road within the quarry void, leading to the existing wheel wash which would reduce the amount of material being transported on to the haul road and out on to the public highway (Conditions 12 and 13).

Furthermore, the applicant has made funding arrangements with the Council's highways maintenance contractors to undertake road improvements which are set to take place in the autumn to resurface part of Gegin Lane

Public Protection have raised no concerns about the application in respect of noise or dust. Having regard to this and the matters discussed above, it is considered that there is no conflict with policy GDP1(f) and again, the Council would not be able to offer any technical evidence to defend a reason based on harm by way of noise, dust and general impact on amenity if challenged by a formal appeal.

Additional material planning considerations and areas of Concern

On 3 October, and on 14 October 2022 there were a number of other material planning considerations raised during the debate relating to the impact on the development on the openness of the green barrier and also the level of employment that the existing quarry provides for, both directly and indirectly.

To assist members in making a decision on the proposed extension to the quarry, the following additional information is provided on these matters.

Green Barrier

The Officer's Report of 3rd October (pages 84 and 85) with regards to minerals development in the green barrier/green wedge states that there is no policy conflict with the proposed development and policy EC1.

PPW11 further endorses this position at paragraph 3.77. This states: *Certain other forms of development may be appropriate in the Green Belt or green wedge provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- *mineral extraction.*

It is considered that minerals development would not materially affect the openness of the green barrier and therefore there is no policy conflict with this proposed land use in this location. Furthermore, the land is not designated as Green Wedge in the emerging LDP.

Employment and Socio-Economic Considerations

The Officer's report of 3rd October states that 11 jobs would be retained should planning permission be granted, and the proposal would aid employment to be maintained across a range of industries, many of which depend directly upon quarrying, for business. As well as the direct benefits to the Applicant, and the employment effects which benefit their workforce, there would be a number of indirect benefits.

It was noted that during the Planning Committee meeting on 14 October, a query was raised with regards to how local the employees of Ballswood Quarry are. From information gathered from the operator there are in fact 23 employees at the site. 9 employees live in the Mold, Flintshire, 2 employees are from the Welshpool area, 7 employees live in the Wrexham area, 1 is from Ruthin, 2 are from Chester, 1 is from Llangollen and 1 is from Shropshire.

Should planning permission be refused, not only would the 23 employees of the Quarry Site lose their jobs, the customers reliant on the materials produced by the quarry would also be affected, as would the drivers of the haulage companies.

It is also important to note that the neighbouring concrete business, Dependable Concrete, which is sited immediately to the left of the entrance to the site would be required to be removed and the area restored as part of the Site's restoration as the concrete plant is permitted under permitted development rights due to the fact that a proportion of the mineral that is used in the plant is supplied by Ballswood Quarry. Once the mineral is exhausted at Ballswood Quarry, the Dependable Concrete site would effectively be required to cease production on the site and relocate elsewhere, and the site restored in accordance with the concept restoration scheme for the wider site.

The owner of Dependable Concrete has written to the Council in support of the application. Dependable Concrete directly employs 14 full time members of staff for operational needs at the site in Llay, with many other in direct jobs affected such as truck servicing, plant maintenance and support staff. Should this application be refused, this would therefore also result in the closure of Dependable Concrete too which would result in the loss of 14 jobs associated with this related business.

Not only does the sand extracted from Ballswood supply the concrete plant on site, it also supplies four other plants in the area. Therefore, should Ballswood Quarry close, alternative sources of raw materials would be required to be sourced for the other concrete plants in the area thus having

other indirect effects on the economy and potentially increase transportation costs, both economic and environmental as sand would need to be sourced from elsewhere.

A query was also raised during the Committee Meeting on 14th October in relation to the supply of sand from Ballswood Quarry being used in the cement production at Padeswood Cement works. A letter of strong support has been received from the National Operations Director of Hanson Quarry Product. The letter confirms Hanson UK strongly supports the principle of the application based on the important role that Ballswood serves as a supplier of high grade silica sand in the Padeswood Cement Plant. The Padeswood plant has been supplied from Ballswood Quarry for many years and currently takes in excess of 75,000 tonnes per annum of sand that is an essential chemical component of the cement produced from the plant. The Padeswood plant itself produces circa 9% of the entire UK production of cement so is of vital national importance to maintain supply to the UK construction industry. Furthermore the plant directly employs more than 100 staff, plus many more contractors and employees in supporting businesses and thus is a major contributor to the local Northeast Wales economy and beyond.

The letter of support goes on to state that Padeswood Cement Plant is on course to be the first cement plant in the UK to be producing carbon neutral cement by 2030 and sourcing our raw materials from nearby local sources such as Ballswood Quarry is an important element of achieving this goal.

Should the application be refused, once the permitted reserves are exhausted at Ballswood Quarry, it will no longer be able to supply high quality silica sand to Padeswood. As a result the plant need to source silica sand with the required specification from further away, increasing both the environmental and economic costs of transporting the sand to the plant. This could have a direct impact on the whole UK economy because it is likely that the cost of cement would rise due to increased in transport costs from the haulage of the essential raw materials from quarries further away from Padeswood than Ballswood..

Conclusion: For the reasons set out above and in the main report below, the application accords with the relevant UDP policies as well as regional and national policy.

In light of a clear identified need for additional sand and gravel aggregate in Wrexham, which is a position that has already formally been endorsed by the Council, combined with an absence of objection from statutory and specialist consultees (subject to the suite of conditions included with the recommendation below and additional conditions below), Members are advised that there are no reasonable grounds to withhold planning permission.

Furthermore, Members are reminded that when considering whether to refuse a planning application, each individual reason for refusal must be supported

by robust technical evidence. Failure to do so is likely to be considered as 'unreasonable behaviour' and runs a significant risk of an award of Costs being made against the Council if any formal decision to refuse to grant planning permission is challenged by way of an appeal to Planning Environment Decisions Wales and an application for Costs is made.

Should planning be granted the conditions set out in the original Officer's Report of 3rd October should be imposed on a decision alongside the following:

Additional condition 1

Within one month of the date of this permission a scheme of boundary treatment at the location of the former Quarry entrance on Gegin Lane shall be submitted for written approval of the Mineral Planning Authority. The approved boundary treatment scheme shall be implemented within two months following that written approval and any approved planting shall be carried out in the next year's planting season.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

Additional Condition 2:

Within two months of the date of the permission highways mitigation measures shall be installed as set out on approved image 'Proposed Route of Permissive Path with Woodland adjacent to Gegin Lane received on 19 October 2022'.

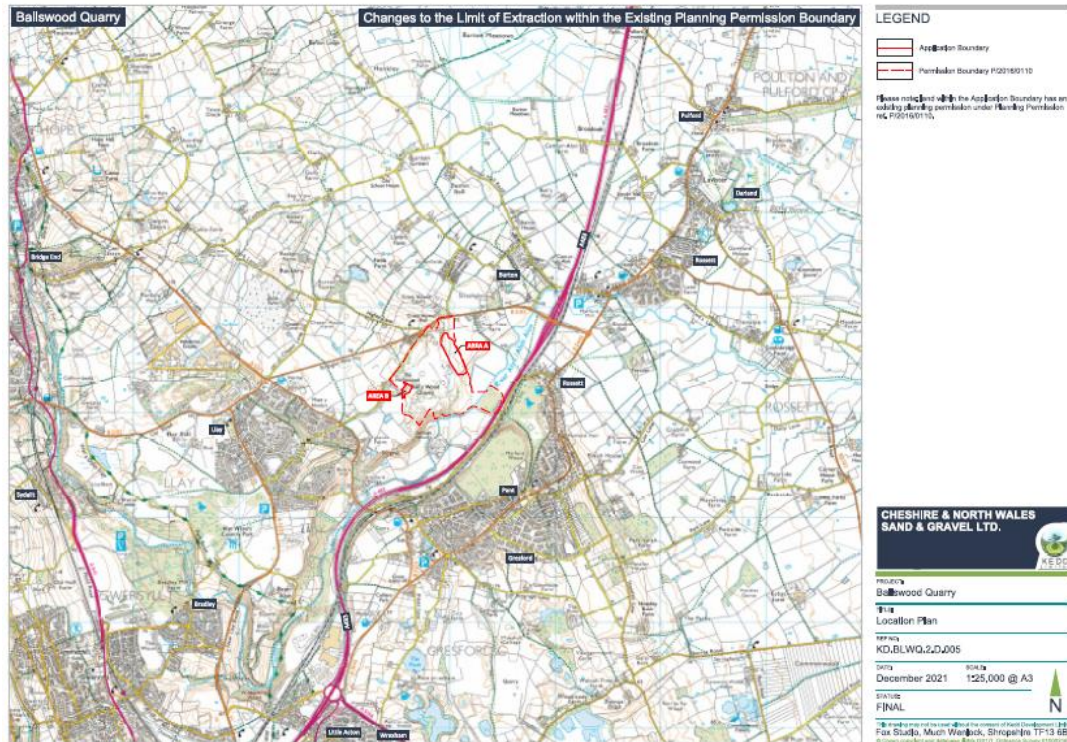
Reason: In the interests of highways and pedestrian safety in accordance with the provisions of Policy GDP1 of the Wrexham Unitary Development Plan.

The report presented to the 3rd October meeting is included in full below along with the original recommendation and the additional conditions referred to above.

Councillor Apsley's comments have been corrected in the main report from 'Strongly objects' to 'Expresses the following concerns' after an error in the way his comments had been originally been reported was brought to the attention of Officers during the 3rd October meeting.

THE SITE

Ballswood Quarry is situated approximately 4 km north of Wrexham, on the eastern edge of the village of Llay. The Quarry has access onto the A483 at its junction with the B5102, some 1.5 km north-east of the quarry. Access is gained on to the B5102 along a short stretch of an unclassified road, Gegin Lane.



PROPOSAL

The proposal relates to a proposed extension of Ballswood Quarry, an active sand and gravel quarry located on the eastern edge of the village of Llay.



Existing Site Plan

The application as submitted, initially involved a lateral extension of the quarry in two locations labelled Areas A, to the north east of the existing quarry site, and Area B to the west. Both areas proposed are within the existing extant red line boundary of the quarry.

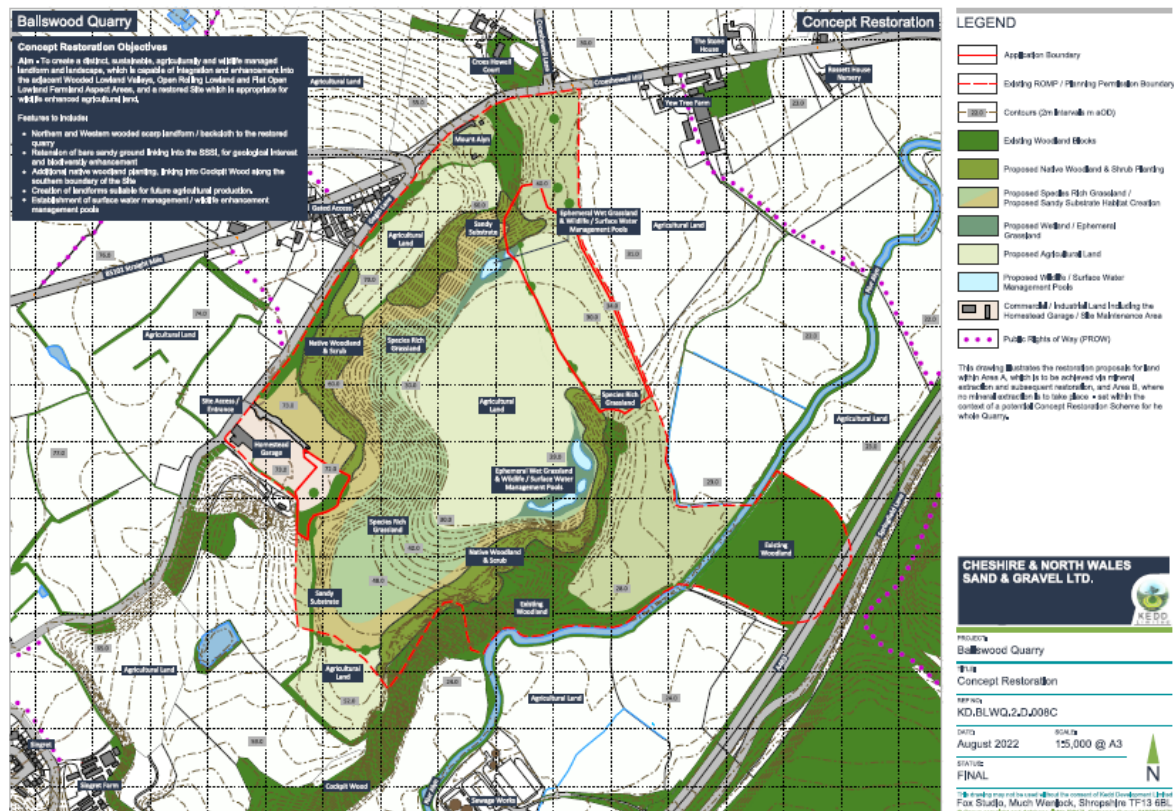
During the consideration of the application, the applicant has amended the proposed plans, and now the proposed development only involves the extension to the quarry in Area A. The proposal does not involve the extraction of mineral in the Area B as shown on the plan below.



Proposed Site Plan

Area A comprises a 4.37 hectare site to the north east of the existing approved limit of extraction, which would release a total of 500,000 tonnes of mineral resource which would effectively provide for an extension to the existing permitted area. Area A lies within the existing extant planning permission boundary but outside of the permitted extraction limit and is currently agricultural land.

The proposed restoration involves the site being restored to primarily agriculturally managed grassland on Area A, with blocks of existing and proposed woodland (proposed to progressively plant 13,200 trees), areas of wet/marshy habitat, willow planting and natural regeneration on the wider quarry site, as shown on the restoration concept plan below.



Proposed Restoration Plan

The proposal does not involve any changes to the method of winning and working of minerals at Ballswood Quarry, and would be worked dry, above the water table. The application proposes a continuation of sand and gravel extraction from the site. At the current rate of extraction, it is expected that this area would be worked within less than two years, with a further year to complete the proposed restoration. The current consent has a condition imposed to allow the winning and working of mineral until 22 February 2042. The proposal does not propose changes to the methods of quarrying at Ballswood Quarry, which would continue to be within the permitted application boundary and would be completed well within the approved end date of mineral working at the quarry.

Hours of operation would remain as 0700-1800 hours Monday – Friday, 0730-1300 hours Saturday, with no operations to be undertaken outside these hours, or on any Sunday, Bank or Public Holiday, as per consented hours of operation.

HISTORY

There is a long history of winning and working of sand and gravel at Ballswood Quarry. Following the inception of the modern planning system in 1948 permission was first granted for the 'Continuation of Sand and Gravel Workings' on the 10th of March 1953, and then subsequently on the 11th of February 1954.

The 'initial review', as required by the 1995 Environment Act was granted (after being stalled) on the 12th of February 2001 under reference LLA CB/1997/1013, to modernise conditions on existing planning permissions. The description of the application was: *"Application for the determination of conditions for mineral site in respect of planning permission code numbers 12/92 and 12/1822 for the winning and working of minerals and the deposition of mineral waste, granted in 1953 and 1954, under the requirements of Schedule 13 of the Environment Act"*.

An application ref P/2003/0357 for the 'Extension of Ballswood Quarry' was refused 06/03/2006. The main reason for refusal was on 'need' for additional sand and gravel reserves. At that time, it was considered that there was no need for the release of new reserves of sand and gravel to maintain the landbank of permitted reserves within North East Wales.

The first periodic review following the 'initial review' was received by Wrexham County Borough Council on 9th February 2016. This periodic review was 'deemed' to be approved under reference P/2016/0110 on 9th May 2016 in accordance with paragraph 6 of Schedule 14 of the Environment Act 1995.

An application was made under section 73 of the Town and Country Planning Act to extend the extraction limit of the quarry under reference P/2021/0486. This application was withdrawn on 29 November 2021 and resubmitted as a full application which now the subject of this planning application under consideration.

Summary of planning history

12/92:	Continuation of sand and gravel workings. Granted 10 th March 1953
12/1822:	Continuation of sand and gravel workings. Granted 11 th February 1954
LLA CB/1997/1013:	Determination of new conditions. Granted 12 th February 2001
P/2003/0357: 06/03/2006	Extension of Ballswood Quarry. Refused
P/2016/0110:	Periodic review of planning conditions imposed under planning permission ref LLA CB/1997/1013. Deemed 9 th May 2016.
P/2021/0486:	Application made under section 73 of the Town and Country Planning Act extend the extraction limit of the quarry under reference P/2021/0486. Withdrawn 29 th November 2021.

DEVELOPMENT PLAN

Unitary Development Plan (UDP)

The site is located outside of the settlement limit and within a Green Barrier, and a Special Landscape Area. TPO 194/2012 is located within Area B of the site which has now been excluded from the proposed extraction area.

Policies PS2, PS9, PS11, GDP1, EC1, EC2, EC4, EC5 EC6, EC11, MW1, MW2, MW8, MW11 are relevant to the consideration of the proposal.

Local Development Plan (LDP)

The site is designated as a Local Site of Nature Conservation and Geological Importance (Emerging Policy NE2 is applicable). It is not designated as Green Wedge in the emerging LDP, nor is it within a Special Landscape Area. Emerging Strategic Policies SP15, SP16, SP17 and Emerging Policies DM1, NE1, NE2, NE3, MW2, and MW3 of the emerging LDP should be afforded some weight given the progress of the Plan towards adoption.

CONSULTATIONS

Llay Community Council

Strongly object to the proposal for the following reasons;

- Highways and pedestrian safety concerns
- Residential amenity, vibration, dust and mud on the road
- Noise, dust and vibration from quarry operations and associated traffic
- Detrimental effects on local wildlife
- Removal of a mature horse chestnut tree with important ecological value locally.

Councillor Apsley

Expresses the following concerns:

- Concerns regarding the administration of the first periodic review that was deemed on 09.05.2016 (ref P/2016/0110)
- The impact on the openness of the green barrier
- The impact on the special landscape area
- Extraction should be focused elsewhere and not in Wrexham
- Wrexham shouldn't meet the shortfall for other authority areas in North Wales, or the North West of England as they should produce their own aggregates and not be reliant on Wrexham to supply
- Impact on the highway, safety concerns of pedestrians
- Unacceptable levels of noise impacting sensitive receptors especially on Gegin Lane
- Negative impact on air quality from dust and fumes
- Unacceptable impact on health
- Negative impact on water resources
- Negative impact on visual impact and areas of landscape importance
- Unsatisfactory restoration and after-use
- There is no need for additional sand and gravel reserves to be found within Wrexham
- Questions why Ballswood should be meeting the requirements for sand and gravel for other areas

- The proposal would result in adverse impacts
- Removal of hedgerows and trees
- Removal of habitat and negative impact on nature conservation interests
- Unacceptable impact on protected species and their habitats including great crested newts, bats and reptiles
- Unacceptable disturbance from large quarry vehicles from noise, reversing alarms, dust, mud on the highway
- Queries the amount of mineral and overburden on site and therefore questions the ability to complete extraction and restoration as proposed.
- Unacceptable standard of proposed restoration
- Questions the proposed economic benefits and job creation and if this would benefit the local economy
- Removal of the Horse Chestnut tree afforded the protection of a Tree Preservation Order
- Previous application reference P/2003/0357 was refused
- Houses, agricultural land and facilities relating to health could be affected by the proposal
- The proposal is likely to have significant effects on the environment
- Impact on high-quality arable land
- Lack of community benefits from the proposal
- Concerns with regards to a future application

Councillor Kent

Does not object to the proposal

Councillor Shepherd

Objects to the proposal for the following reasons

- Increased traffic
- Increase in noise and dust pollution
- Encroach on green space within the ward

Highways Authority

Advised the do not intend to make any comments or recommendations on highway grounds. Standard notes to applicant should be attached to the decision notice.

Welsh Government (Trunk Roads)

Have not issue a direction in respect of this application They are content with the vehicle movements proposed.

Public Protection

Suggested conditions in relation to noise limits to comply with national guidance, applying the appropriate mineral buffer zone to protect sensitive receptors and to control dust as set out in the supporting documents

Arboricultural Officer

The proposal for Area A presents little impact on existing arboricultural features. However there are three trees of value which should be protected prior to ground works/extraction commence in Area A.

The horse chestnut subject to TPO WCBC 194 is a notable and valued veteran tree within the landscape and as such is an irreplaceable feature. The removal of T1 in Area B is not acceptable on any account.

As the applicant has agreed to remove Area B from the application, there are no further objections.

Tree protection measures should be conditioned as per recommended root protection areas.

Ecology Officer

There are no major concerns regarding the extraction within Area A. However, conditions should be imposed to ensure a detailed restoration scheme is agreed to contribute and support the local wildlife designation

Conditions should be imposed including a Construction Environmental Management Plan, Ecological Compliance Audit and a detailed restoration scheme.

The removal of Area B from the proposal and the retention of the protected tree T1 is supported. Its removal addresses major objections to the scheme.

NRW

Protected Species

Requests conditions in relation to protected species including a Great Crested Newt Conservation Plan, and avoidance measures to protect bats.

Protected Sites

Sites of Special Scientific Interest (SSSI)

The proposal is not likely to damage the features of the adjacent Chwarel Singret SSSI, or the Marford Quarry SSSI. However, due to the connectivity between the Quarry and adjacent Chwarel Singret SSSI, there may be potential impacts on Environment (Wales) Act Section 7 species. The quarry itself may be important for invertebrates due to the ideal habitat that is available for invertebrate species. Therefore the proposed restoration should be focused providing suitable habitat for invertebrate species associated with sand and early-successional habitats.

River Dee/Bala Lake Special Area of Conservation (SAC)

The specific nature of the proposal is recognised and it is unlikely to increase the amount of phosphorus entering the catchment of the SAC. NRW are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Ground water

The proposed base of extraction would be above the groundwater level and therefore above the water table.

The submitted water management plan and pollution prevention measures method statement should be listed in the approved documents.

CPAT

The submitted Written Statement of Investigation meets the requirements and therefore should be conditioned and listed in the approved documents

Welsh Government (Department for Climate Change)

Do not object to the proposal but have concerns in relation to the proposed restoration and soil storage.

Welsh Water

Requested conditions and advisory notes to ensure no detriment to existing residents or the environment.

Neighbours

The owners/occupiers of 53 nearby properties were notified of the application on 18th May 2022. 20 representations have been received objecting to the application expressing the following concerns:

- Unacceptable levels of noise and vibration which has become a nuisance
- Unacceptable noise from reversing warning signals
- Negative impact on air quality and increased dust pollution which has become a nuisance
- Detrimental impact on residential amenity and their well-being
- Unacceptable hours of operation
- Increased dust and debris on Gegin Lane and surrounding highway network as a result of quarry vehicles, which results in the increased dust in adjacent residential properties and windows, blocking gullies and drains of adjacent properties.
- Poor state of existing wheel cleaning facilities
- Secondary wheel wash will not solve the existing problems of dust and debris on the roads
- Lack of road sweeping
- Lack of sheeting vehicles leaving the site
- Safety of young children living on the Fern Meadow Estate
- Increase in heavy goods vehicles associated with the quarry
- Increase in traffic movements and increase congestion
- Highways safety as Gegin Lane is not wide enough to accommodate the quarry vehicles. Turning from Gegin lane continues to be hazardous
- the speed of quarry related vehicles
- Gegin lane is a country lane and cannot accommodate HGV traffic associated with the quarry.
- Damage to Gegin Lane as a result of existing vehicle movements

- Damage to public property/verges on Gegin Lane from HGVs driving over grass verges
- Damage to hedges that run parallel with Gegin Lane
- Lack of community benefit
- Negative impact on the community and local residents
- Negative impact on wildlife and the environment, flora, fauna and the preservation of green space
- The destruction of woodland and associated habitats and wildlife
- Slope stability and health and safety of existing quarrying practices
- Negative Impact on Climate change
- Negative impact from the development on trees
- Detrimental impact/removal of the protected horse chestnut tree in Area B.
- Lack of phased restoration
- Current operations and negative impact on the environment and destruction of nature conservation and disregard for neighbours
- Litter from the quarry
- Concerns with the lack of restoration material on site
- Insufficient material to complete the restoration as proposed
- Proximity to existing properties/businesses – not providing a safe distance of working between properties and excavation area
- Unsafe excavation slope in proposed Area B in relation to the proximity of Homestead Garage
- Poor quality of sand resources on site due to the lack of gravel in the deposit and lignite present in the deposit
- Issues related to the concrete batching plant located on the site and the regulatory issues associated with that operation
- Mineral working has taken place outside of the permitted limits set out in the current planning permission
- Insufficient restoration material on site to achieve proposed restoration
- Lack of phased working of the current approved operations
- Lack of phased restoration of the current approved operations

SPECIAL CONSIDERATIONS

Principle of the Development: The principle of winning and working sand and gravel in this site has been accepted by virtue of the existing planning consent, and historical sand and gravel extraction that has taken place at this site since before the inception of the modern planning system. This is evidenced by the 1953 permission which was first granted for the 'Continuation of Sand and Gravel Workings' which infers that sand and gravel has been worked at this site since before then. Aerial photograph from 1945 shows that the site was a substantial working sand and gravel quarry at this time. The 1897, 1909, 1938 Ordnance Survey map, the site is shown as a 'gravel pit' adjacent to Ball's Wood, demonstrating that the site has been associated with mineral extraction since as early as 1897.

Minerals Technical Advice Note 1: Aggregates (MTAN1) recognises that in dealing with applications for new mineral extraction, the plan-led 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 proposal seeks a modest extension. PPW11 (p 5.14.48) states with regards to extensions to existing mineral workings, that the presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site. Extensions to an existing site are likely to have less environmental and economic challenges than the development of a new site.

Minerals resources can only be worked where they are found to occur, which is acknowledged within PPW11 (para 5.14.4). Furthermore, good quality and unconstrained mineral resources are not found in every local authority area. As a result, minerals are exported outside of local authority areas, or imported into areas as markets and demands dictate where they are exported/imported to, like any other commercial product, commodity or goods.

The site is located in the open countryside and is identified in the UDP as an active mineral site with a protective mineral buffer zone around the active site.

Policy MW2 of the adopted UDP states: - *Sand and gravel extraction will take place:-*

- a) firstly, on land with planning permission for mineral working; and*
- b) secondly, on extensions to active workings either when reserves worked under a) above are insufficient to maintain landbank requirements or when further working is necessary to enable the full utilisation of materials (in relation to their quality and composition) which would not be possible from within the existing working above;*

The proposed extension area is entirely within the red line boundary of the existing planning permission. The site has permission to win and work mineral until 22 February 2042, and therefore, with this regards, the proposal accords with part a) Policy MW2. Consideration of the landbank will be examined in the following section to address point b) of Policy MW2.

Need for Sand and Gravel, and need to extend the quarry: Policy PS9 of the adopted UDP states that the provision for minerals development will be made at a level that ensures a supply of minerals set in the context of regional land bank requirements.

Policy MW1 of the adopted UDP states:

“In determining applications for the working of aggregate minerals, the Council will have regard to current national policy requirements for maintaining landbanks in Wales. The sub-regional apportionments made by the North Wales Regional Aggregates Working Party will be taken into account when assessing the landbank implications of any proposed development.”

Emerging LDP Policy SP17 states:

“Minerals will be sustainably managed through:

*Contributing towards meeting the regional need for aggregate minerals in
c) collaboration with Flintshire County Council;”*

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. The RTS2 states that Wrexham is required to provide an apportionment of 1.565 million tonnes of sand and gravel. The annualised apportionment for sand and gravel provision in Wrexham is set at 0.646 million tonnes per year until the end of the plan period, and for 7 years thereafter. On 9 March 2021 Wrexham’s Executive Board endorsed the figures set out in the RTS2.

The emerging LDP was drafted using the figures set out within the first review of the RTS which at that time did not require Wrexham to provide any additional sand during the Plan Period. As a result, the emerging LDP does not identify any new sites for sand and gravel, as at the time of drafting the RTS2 had not been published. However, emerging Policy MW3 of the Wrexham LDP provides a flexible criteria based approach to assess applications for sand and gravel extraction should they be submitted for consideration. Furthermore, RTS2 now identifies a shortfall of 1.56mt to meet the requirements of the RTS for Wrexham, over the plan period.

This modest extension would release 500,000 tonnes of sand and gravel which would go towards meeting that shortfall identified within the RTS2, and contribute to the depleting landbank in Wrexham. As such, it is considered that the proposal accords with the provisions within PPW11, MTAN1, the RTS2 and UDP policies PS9, MW1 and MW2 and emerging LDP Policy SP17, as there is clearly a demonstrable need for the mineral.

The permitted reserves contained within Ballswood Quarry are almost exhausted. Therefore, for Ballswood Quarry to continue the supply of sand and gravel to the local area, and beyond into north Wales and the North West of England, an extension is required. As stated above, PPW11 (para 5.14.48) states that the presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site. Extensions to an existing site is likely to have less environmental and economic challenges than the development of a new site.

Mineral Development in the Green Barrier: Within the adopted UDP, the application site, and the wider permitted quarry site is designated as Green barrier. Policy EC1 of the adopted UDP states that:

“Within Green Barriers, development will only be granted planning permission if it is for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it.”

The supporting text within the policy states that “Mineral extraction and landfilling of wastes do not conflict with the purposes of the Green Barrier provided that the development does not detract from the open character of the area and includes high standards of restoration.”

It is considered that the proposal would not impact on the open character of the area and the proposed concept restoration scheme is considered acceptable. Therefore, it is considered that the proposal would accord with the provisions of Policy EC1 of the UDP.

The site is no longer designated as Green Wedge in the emerging LDP therefore there is no policy conflict to consider with regards to the Green Wedge.

Socio Economic Considerations: Policy GDP1 of the UDP states:

“All new development should:-

k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area”.

The minerals products industry is a vital enabling sector of the UK economy, which has a broad impact on overall economic activity. As the largest element of the construction supply chain, a supplier of key materials to many other industries, and the largest material flow in the UK economy, a healthy domestic mineral products industry is essential for the UK.

11 jobs would be retained should planning permission be granted, and the proposal would aid employment to be maintained across a range of industries, many of which depend directly upon quarrying, for business. As well as the direct benefits to the Applicant and the employment effects which benefit their workforce, there would be a number of indirect benefits. Aside from the demonstrable need for sand and gravel (as set out above) which would contribute to the local economy in the form of sales, the proposed development would help provide and secure jobs for people directly and indirectly employed as part of the quarry operations which would contribute to the local economy through wages, business rates, use of local suppliers, and at a national level; to the economy through aggregates levy and other taxation processes.

Visual amenity and Landscape impact: The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a material consideration.

PPW 11 Section 6.3.3 states *‘All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the*

social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

Policy PS2 of the adopted UDP states that development must not materially detrimentally affect countryside, landscape/ townscape character, open space, or the quality of the natural environment.

With regards to development within Special Landscape Areas, UDP Policy EC5 states that priority will be given to the conservation and enhancement of the landscape. Development, other than for agriculture, small-scale farm-based and other rural enterprises, and essential operational development by utility service providers, will be strictly controlled. Development will be required to conform to a high standard of design and landscaping, and special attention will be paid to minimising its visual impact both from nearby and distant viewpoints. It is noted that the site is not designated as a Special Landscape Area in the emerging LDP.

Emerging LDP Policy MW3 supports mineral extraction where it is necessary to enable the local authority to meet the need at the regional level, or the needs of the industry concerned provided it can demonstrate that:

"vii. There would be no significant adverse visual impact on areas of landscape importance"

A Landscape and Visual Impact Assessment of the proposal has been undertaken which identifies the landscape character and sensitive views. The assessment concludes that, overall, the proposed operational development would not result in any significant adverse effects on any of the regional or local landscape character areas. The development itself is located within both the LANDMAP Visual and Sensory Area WRXHMV058, and the Wrexham Landscape Character Area Guidance Area 8, Gwersyllt, Llay, Gresford, Borras, which have historical and current associations with mineral development, including the Ballswood Quarry site which has been associated with mineral working for over 100 years. It is considered that there would be a limited change to the landscape features as a result of the proposal which forms a modest extension to the existing quarry site.

The potential for cumulative landscape and visual effects has been assessed and it is considered that there would be no significant cumulative degradation or adverse effects on landscape and visual receptors as a result of the proposed development.

At a landscape policy level, with respect to the designated Special Landscape Area (Policy EC5), which covers a narrow strip of land to the east of the Site (within the existing extant planning permission boundary) spreading out to cover land to the east and north east, due to the scale and nature of the existing landscape and the proposed additional mineral extraction, it is not considered that the associated impacts at a landscape would be significant. It is considered that progressive restoration, including the planting of large areas of additional native tree / woodland, the establishment of new native hedgerows and areas of species rich grassland, along with the reinstatement

of productive agricultural land as proposed in the restoration scheme would mitigate the effects of additional working and providing long term landscape enhancements.

Landscape orientated mitigation and enhancement measures integrated into the proposals including the progressive restoration, significant areas of new nature woodland planting, including 13,200 trees and shrubs, establishment of species rich grassland and the provision of a long-term Woodland Management Plan. Furthermore, the retention of the horse chestnut tree subject to TPO 194/2012 located in Area B is welcomed as it is acknowledged that the tree is a notable and valued veteran tree provides an irreplaceable feature within the landscape.

Having regard to the scale of the development, the proposed scheme of working, the proposed progressive restoration, limited 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 therefore considered that the proposal complies with UDP Policies PS2 and EC5, and emerging LDP policy MW3.

Ecology and Nature Conservation: PPW11 Section 6.4 'Biodiversity and Ecological Networks', stresses the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

PPW11 sets out that *"planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity"* (Section 6.4.5).

PPW 11 also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on the LPA to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals.

One of the key roles of the Wrexham UDP is to contribute towards protecting and enhancing biodiversity across the County. Policy PS11 states that encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the land will be protected and enhanced.

Furthermore, Policy GDP1 states *"All new development should:- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest"*.

Policy EC6 states that: *“Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.”*

Emerging LDP Policy SP15: Natural Environment states *“Development will only be supported where it protects conserves and enhances the natural environment including: Local Wildlife Sites. The site is designated in the emerging LDP as a Local Wildlife Site.*

Emerging LDP Policy SP17 in relation to nature conservation in criteria d. states:

“Minerals will be sustainably managed through:

d. Supporting proposals for mineral extraction within the County Borough which contribute towards maintaining an adequate supply of minerals in sustainable locations including the delivery of high quality restoration and aftercare programmes which enhance and provide linkages with the natural environment.”

Emerging LDP Policy NE1 states:

*“International and Nationally Designated Nature Conservation Sites
Development likely to significantly affect any site of international importance, either alone or in combination with other plans or projects, will be subject to a Habitat Regulations Assessment (HRA). Development will only be permitted where it is possible to ascertain no adverse effect on the integrity of the Site or where there are Imperative Reasons of Overriding Public Interest and compensatory measures are secured.*

Development likely to impact the special features of a Nationally Designated Site advice will only be granted in exceptional circumstances where appropriate compensation can be provided.”

Emerging LDP Policy NE2 states:

*“Locally Designated Sites of Nature Conservation and Geological Importance
Development which impact on the nature conservation and/or geological importance of locally designated sites will only be permitted in exceptional circumstances where it can be demonstrated that:*

- i. there is no satisfactory alternative location for the development which avoids nature conservation impacts, and*
- ii. compensation measures are designed to ensure that there is no reduction in the overall nature or geological conservation value of the site.*

Protected Sites

With regards to the protected sites there are three statutory designated sites located within 2km of the site boundary. It is not anticipated that the proposed development would have any impact on any of these Statutory Designated Sites. NRW have confirmed that the proposal is not likely to damage the features of the adjacent Chwarel Singret SSSI, or the Marford Quarry SSSI.

The Marford Quarry SSSI is located over 0.6 km to the south east of the site boundary. Therefore due to this distance, it is not anticipated that the proposed extension would have any additional impact than the quarry has in its current form. There would be no additional noise or dust issues that are likely to impact the SSSI, nor would there be any impact of the direct removal of habitat. It should be noted that no wild liquorice was recorded within the site, which is a feature of the SSSI.

Chwarel Singret SSSI is immediately adjacent to the application site, however this SSSI is designated for its geological features of interest and therefore is considered not to be sensitive to the proposal.

There are seven non-statutory designated sites within 2km of the site boundary. The closest of these is the Ballswood Quarry and Cockpit Wood (Local Wildlife Site (LWS)) which covers the existing quarry, and the wider extending broad-leaved semi natural woodlands. It is not anticipated that the proposed works would have an impact on this LWS as the habitats within this designation are to be retained during the extent of the works. It is considered that the proposal would not have an impact on any of the other non-statutory designated site within 2km of the site boundary.

The wider extraction site was designated as a local wildlife site in 1998 primarily for its value to invertebrates. The emerging LDP designates the operational Ballswood Quarry site as a Site of Nature Conservation and Geological Importance where emerging Policy NE2 applies.

The Council's Ecologist has commented on the proposal and has stated that there are no major ecological concerns with regards to the extraction of Area A, as this land is undisturbed agricultural land. However, a condition should be imposed to ensure that the ecological situation on site is monitored, and there is clear ecological supervision via an ecological compliance audit and the requirement of a Construction Environmental Management Plan. The detailed restoration scheme should be agreed by condition which contributes and supports the local wildlife designation. The proposed restoration of the wider site would ensure that there would not be a policy conflict with the emerging designation of a site of Nature Conservation and Geological Importance. The proposed concept restoration plan shows a large proportion of the wider site being restored for nature conservation purposes. This will be examined in subsequent sections of the report.

Protected Species

With regards to Protected Species that could be impacted from the proposed development, a number of surveys were carried out and accompanied the application in relation to bats and great crested newt.

Bats

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). The updated Bat Roost Survey Report submitted in support of the above application has identified that bats are present at the application site. NRW consider that the proposed development represents a higher risk for bats, as defined in their guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

However, with mitigation proposed, NRW have advised that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures as stated within the Updated Bat Roost Survey Report are implemented. With the inclusion of this condition, it is therefore considered that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The veteran horse chestnut tree afforded protection by TPO 194/2012 located in Area B has been surveyed for emergence of bats and was assessed as providing a moderate roosting potential for bats. The original concerns that the County Ecologist had with regards to the loss of this horse chestnut tree due to its potential for bat roosting have now been allayed, as this tree is now proposed to be retained as Area B is no longer included in the proposed extraction areas. A bat friendly lighting scheme should be required by condition.

Great Crested Newt

With regards to great crested newts and the potential for impact from the proposal, NRW have reviewed the submitted surveys. It is recommended that a great crested newt surveillance condition should be imposed which would be in the form of the requirement to submit a great crested newt conservation plan for written approval which would protect any great crested newt affected by the proposal.

Restoration and Aftercare

The application has offered a concept restoration scheme which includes the wider site approved under the deemed ROMP ref P/2016/0110 (permitted until 22 February 2042) which is also controlled by the applicant.

As stated above, the emerging LDP designates the operational Ballswood Quarry site as a Site of Nature Conservation and Geological Importance (emerging Policy NE2 applies). It is considered that final restoration concept proposed for the site would create both landform and vegetative structure and habitat, which would allow the promotion of species diversity and geodiversity and would not conflict with the principles of emerging policy NE2.

The proposed concept restoration scheme would contribute and support the existing and emerging wildlife site designation. The principle of the development in this location is accepted by the virtues of the existing planning permission and minerals can only be worked where they occur. It is considered that the proposed concept restoration would maintain and enhance biodiversity in line with the requirements of PPW11 and the current policies of the UDP. It is considered that the compensatory measures in terms of the proposed restoration and planting would ensure that there would be no reduction in the overall nature or geological conservation value of the site and therefore compliant with the emerging policies of the Development Plan.

The Council's Ecologist has recommended a condition to secure the long-term ecological management of the site, and has suggested a minimum management period of 30 years. This would demonstrate how existing features of ecological / wildlife interest would be protected, identify any areas of compensation and demonstrate management in the long-term. However, it is important to stress that this application is solely for the winning and working of minerals within Area A, rather than the wider quarry site. Furthermore, the proposed land-use restoration in Area A is to return the land back to an agricultural use (which will be examined in the subsequent section). It would therefore be unreasonable to require an aftercare period longer than five year in this particular instance. An agricultural aftercare period of five years would be in-line with the guidance set out in MTAN1.

That's said, it is important to note that the proposed concept restoration scheme for the wider site includes bat boxes proposed to be erected (as per recommendations contained within the Bat Survey Reports) over 13,200 new native trees and shrubs that would be progressively planted over the wider site as set out in the concept restoration scheme. Furthermore, a substantial area of the overall Ballswood quarry site (over 60% of land use area) would be given over to habitat creation and associated Biodiversity Net Gain as detailed in the concept restoration scheme for the wider site. The design of these new habitats would to be linked by sections of new wood, scrubland and hedgerows to create new mitigating bat corridors and vast areas of new potential mitigating foraging habitat for bats as well as a diversity of other native species. Mitigation would also come in the form of a long term management plan (at least 25 years) for all habitats and land uses associated with this scheme. The detail of this however would be secured through the requirements of the planning condition set out in permission P/2016/0110.

It is considered with the proposed conditions as set out with regards to protected species monitoring and mitigation, ecological compliance audit and construction environmental management plan, the proposal would accord with the principles of PPW11, MTAN1, UDP Policies PS11, GDP1 and EC6, and also emerging LDP Policies SP15, SP17, NE1, and NE2.

Agricultural Land Classification and site Restoration: PPW 11 Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and

3a quality in the Agricultural Land Classification. PPW 11 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. Policy EC2 of the adopted UDP states, development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land.

With regards to restoration Policy MW8 it states that proposals for the winning, working and processing of minerals should make provision for securing a beneficial after use. Sites should be progressively restored in accordance with the following criteria:-

- a) where the development comprises a single, discrete phase of working, restoration of the site should commence immediately on conclusion of all extraction and processing operations;
- b) where the development comprises two or more discrete phases of working, restoration of the site should be undertaken in sequence commencing as soon as extraction and processing operations within each phase have been completed;
- c) where the development comprises overlapping phases of working which prevent full restoration of each phase in sequence, deferred restoration of some phases may be acceptable within the broader context of the site restoration as a whole.
- d) if the restoration scheme entails the return to agriculture of land which is classified as Grades 1, 2 or 3a, the site should be restored as closely as practicable to its original grade.

Emerging LDP Policy SP17: Minerals Supply and Safeguarding Minerals will be sustainably managed through:

d) Supporting proposals for mineral extraction within the County Borough which contribute towards maintaining an adequate supply of minerals in sustainable locations including the delivery of high quality restoration and aftercare programmes which enhance and provide linkages with the natural environment

PPW11 seeks to protect best and most versatile (BMV) agricultural land and sets out the tests in 3.58 and 3.59. An Agricultural Land Classification (ALC) report has been prepared to support the application. The Welsh Government's Soil Policy & Agricultural Land Use Planning Unit, within the Department of Climate Change have confirmed that this is 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 BMV agricultural land (ALC grade 2).

With regards to compliance with PPW11, and with specific reference to development on BMV agricultural land, the need for sand and gravel has

been discussed previously within the report. RTS2 identifies a need to provide additional sand and gravel reserves within the County. This proposal would meet one third of that need.

The proposal includes an appropriate restoration scheme to restore the land back to agricultural land, thus demonstrating compliance with UDP policies EC2, MW8 and emerging LDP Policy SP17. The restoration would commence following on from the extraction within Area A, as part of the wider site's restoration, and in accordance with a detailed restoration scheme that would be required by condition, followed by a period of five years aftercare.

Under Schedule 5 of the 1990 Act (as amended), an agricultural after use is appropriate in this instance as the existing land use in Area A is agricultural land. The 1990 Act stipulates a "required standard" of reclamation to be applied in a particular case. It is recommended that condition should be applied, to ensure that the land is brought to the required standard where its physical characteristics are restored, so far as it is practicable to do so, to what they were when the land was last used for agriculture.

Whilst the Department for Climate Change have no objection to the proposal, they do have some concerns however, with regards to the restoration with regards to the risk in terms of the location of soil stores in close proximity to working areas and the double handling of soils which risks soil damage and loss. Whilst, some direct placement of soils is very welcome, the applicant should clarify how stored soils are going to be safeguarded. A soils management scheme would be required to clarify how stored soils would be safeguarded during the handling to ensure that there is no risk of soil damage or loss.

The Department for Climate Change also have concerns with regards to the proposed concept restoration of the wider site. They consider that there is a high risk of permanent BMV loss due to the restoration gradient proposed, and the lack of a detailed scheme for the restoration of the current quarry, to demonstrate how the restoration of the wider site would tie in with the extension area subject to this application. There is also a question over the practicability of farming the restored extension area to its BMV potential post aftercare.

The Department for Climate Change is also unclear whether there is a risk or not of water pooling given the gradients and plateau feature extending across both the extension area and wider site.

A condition would be imposed to require the detailed restoration and aftercare schemes to be submitted. However, with regards to the concerns stated in relation to the wider site's restoration, as the application site is restricted to Area A, it would be unreasonable for the Planning Authority to require a full detailed restoration scheme for the wider site. This will be submitted as part of the requirements under the permission P/2016/0110.

The submitted information demonstrates that there is sufficient restoration material required to restore Area A. The extension area is proposed to be restored to pre-working conditions and no soils would be lost. Soils would be stripped and temporarily stored separately, in accordance with a subsequently approved soil management scheme required by condition and replaced to original soil profiles. No importation of material would be required to achieve the proposed restoration.

Subject to a condition for a soil management scheme prior to any soil stripping in the extension area, and detailed restoration and aftercare scheme to be submitted for written approval, the proposal complies with the provisions of PPW11, UDP policies EC2, MW8 and emerging LDP Policy SP17.

Arboriculture: PPW 11 lends weight to their appropriate consideration and retention in sections 6.4.24-6.4.26, as does adopted UDP Policy EC4 'Hedgerows, Trees and Woodland' which states that *'Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted'*.

Wrexham's 'Tree & Woodland Strategy' (Obj. 1(9)) states that *'development sites shall aim to enhance tree canopy cover by retaining existing good quality trees and by planting of new trees'* and, also to Wrexham's Local Planning Guidance Note 17 'Trees & Development' states in section 3.1 that *'development which would result in damage and/or inappropriate felling of significant trees (i.e. BS 5837 Category A & B trees) and hedgerows will not normally be permitted'*.

Emerging LDP Policy NE3 Trees, Woodlands and Hedgerows states:

"Development will only be permitted where it does not cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value or those that provide important ecosystem services including mitigating the effects of climate change.

Development affecting all existing and new proposed woodlands should:

- *Support proposals which assist in the respectful and appropriate use and protection of woodlands and boundary edges,*
- *Promote sustainable management to deliver multiple benefits, and*
- *Support the relevant aims and objectives of the Wrexham Tree & Woodland Strategy 2016-2026 and all subsequent amendments.*

Avoiding adverse or detrimental impact on trees, woodlands and hedgerows should be the primary objective of any proposal however, where adverse effects cannot justifiably be avoided and sustainable integration is not possible then adequate mitigation will be required. In such cases development should include proposals for the planting of new trees, woodlands, and hedgerows within the site, ensuring connectivity between proposed and existing green infrastructure."

The proposal for Area A presents little impact on existing arboricultural features however there are three trees of value which should be protected prior to ground works/extraction commence in Area A. A condition would require maximum root protection areas as stated within the submitted arboricultural report.

Area B has now been removed from the scheme, and therefore the horse chestnut tree that is afforded protection under TPO 194/2012, and classified as a veteran tree would be retained. Therefore, the proposal no longer conflicts with Policy EC4 or emerging LDP Policy NE3.

Amenity: The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

UDP Policy GDP1 state: *"All new development should:*

f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.

Policy MW11 relating to mineral buffer zones, states that open buffer zones, where new mineral extraction and new sensitive non-mineral development will be resisted, will provide protection around a number of mineral sites, one which includes Ballswood Quarry.

Emerging LDP Policy DM1: Development Management Considerations states: "All Development must:

"b. Not have an unacceptable effect on the amenity of the occupiers of nearby properties/land by virtue of noise, disturbance and overlooking; and provides a satisfactory standard of amenity for the occupiers/users of the development itself;

c. Safeguard the environment from the adverse effects of pollution of water, land, light or air arising from development."

Emerging LDP Policy MW2: states with regards to Mineral Buffer Zones *"Applications for mineral extraction within buffer zones will only be permitted where it can be demonstrated that a sufficient buffer between mineral extraction and sensitive development can be maintained"*

Noise

Concerns have been raised with regards to the proposed operations giving rise to unacceptable levels of noise. However, the proposal would not give rise to any additional noise than is already attributed to the site. The proposal does not propose to change the methods of extraction at Ballswood Quarry,

and all development would be within the current permitted application boundary. Proposed Area A would move operations closer to properties to the north east at Yew Tree Farm, although this is over 200m at the closest point, therefore there would be sufficient buffer zone distance between the proposed extraction boundary and sensitive receptor. As there is no sensitive development within 100m of the proposed extraction boundary it is therefore compliant with the buffer zone guidance set out in MTAN1.

It is considered that the control measures which are currently employed on site ensure that any residual impact from noise is adequately mitigated. However, it is recognised that a more comprehensive control and monitoring strategy, in the form of an Environmental Scheme for noise, would be beneficial which incorporates the existing good practices implemented by the site.

A Noise Environmental Scheme has been submitted to accompany the application and has been reviewed by the Council's Environmental Protection Officer. The findings and recommendations of the Noise Environmental Scheme are accepted subject to conditions being imposed in relation to noise limits, noise monitoring and reporting and hours of operation. The scheme draws upon operational good practices, recognised good practice, relevant national policy as set out in MTAN1 Aggregates, TAN11: Noise, and the relevant British Standards.

The Public Protection officer 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, noise monitoring and reporting, mitigation measures and hours of operation, and mobile and fixed plant being fitted with appropriate sound reduced reversing alarms. As such, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and UDP policies GDP1, MW11, and emerging LDP Policies DM1 and MW2.

Dust/air quality

The nearest properties that might be affected by quarry activities are situated along Gegin Lane and Straight Mile/Croeshowell Hill (B5102), all of which are to the north and east of the site, more than 100m from Area A. The processing plant area is some 540 metres from the nearest properties. These properties lie on the opposite side of Gegin Lane and are separated from the extraction limit by a mature hedgerow (which runs along the southern side of the lane).

Mount Alyn Lodge, the only property which lies to the south of Straight Mile/Croeshowell Hill (B5102), is some 140 metres north of proposed Area A. Yew Tree Farm outbuildings lie some 200 metres to the north-east of Area A (at the nearest point) with relatively flat agricultural land between the farm buildings and the quarry.

The Homestead (residential property) is located adjacent to the existing quarry entrance off Gegin Lane, with Area B being located some 110m to the south. However, as stated previously, Area B will not be worked as part of this permission, should it be approved.

There is potential for fugitive dust emissions from the proposed excavation of sand and gravel. However this is minimal due to the difference in the height between the quarry working area and the nearest property, and dust raised during the extraction of the sand would be contained within the confines of the quarry.

A Dust and Air Quality Assessment has been submitted to accompany the application and has been reviewed by the Council's Environmental Protection Officer and offers no objection to the proposal subject to the recommendations of the assessment being conditioned.

In addition to the existing dust mitigation measures employed on site which include; enforcement of a speed limit for mobile plant and haulage vehicles, management of height and dampening of stockpiles, the use of dust suppression via on-site water bowser, maintenance of plant and machinery on Site, the use of dust collecting equipment such as road sweeping, sheeting of vehicles exporting mineral, the use of a wheel wash, the use of a road sweeper, the applicant is proposing the installation of a secondary wheel wash and concreting an internal haul road within the quarry void, leading to the existing wheel wash which would reduce the amount of material being transported on to the haul road and out on to the public highway.

Should planning permission be granted, existing dust mitigation measures would continue to be employed on Site, to ensure that dust emissions are minimised and the recommendations set out in the Dust and Air Quality Assessment would be conditioned. As such, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and UDP policies GDP1, MW11, and emerging LDP Policies DM1 and MW2.

Impact on Amenity from Quarry related vehicles and traffic

Concerns have been raised in relation to the excessive noise, dust, and vibration, caused by a high frequency of HGVs associated with the quarry which is exacerbated by the poor road surfacing condition of Gegin Lane. It is important to note that the proposal would not increase the rate of extraction, and therefore the frequency of vehicles leaving and entering the site would remain the same. Also, there are other heavy goods vehicles that use Gegin Lane that are not associated with the Quarry, for example from the Homestead Garage Haulage company, and also the Dependable Concrete Batching Plant who have no restrictions imposed on hours of operation, or vehicle movements, which also contribute to noise, dust and vibration of vehicles using this access road to the site.

The quarry operator has acknowledged that HGVs using Gegin Lane has an impact on the condition of the road surface. The poor road surface condition

exacerbates the noise, dust and vibrations from vehicles using the road to access the Quarry. Therefore, the applicant has made funding arrangements with the Council's highways maintenance contractors to undertake road improvements which are set to take place in the autumn to resurface part of Gegin Lane. These works include the resurfacing of the carriageway where the potholes are situated (not just repairing the potholes). It is considered that with the installation of the proposed secondary wheel wash and internal haul road improvements, coupled with the proposed highway improvements, this would assist in keeping the dust and debris on the public highway to a minimum.

Highways and Access: The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Emerging LDP Policy DM1: Development Management considerations states that

"All development must:

f. Not give rise to parking or highway safety problems on site or in the locality

Vehicular access to the Quarry is shared with users of Homestead Garage, (which is both a vehicle repair and testing business and an HGV haulage yard), and a ready-mixed concrete producer, Dependable Concrete North West Limited.

The access into the Quarry comprises a surfaced road which leads from a bell mouth off Gegin Lane. On entering the site, the entrance to Homestead Garage is on the right-hand side whilst the entrance to the ready-mixed concrete plant and associated offices and carpark is to the left. The surfaced access road then continues to the quarry weighbridge and offices. There is a wheel wash situated on the "exit side" of the main access. The proposal would not increase the vehicle movements associated with the operations at the Quarry, they would remain as existing.

As stated before, the proposal would not increase the rate of extraction, and therefore the frequency of vehicles leaving and entering the site would remain the same. The Highways Authority has advised they do not intend to make any comments or recommendations on highway grounds. The North and Mid Wales Trunk Roads Agency has not issued a direction with respects to this application, they are content with the vehicle movements proposed and have confirmed that they should not impact on the Trunk Road Network. As such, it is considered there would be no justifiable reason to refuse the proposal on highways grounds.

Archaeology: PPW 11 Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting and Section 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

TAN24 at para 1.23 states "Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets." Impact on setting is therefore a material consideration to be afforded weight.

Policy EC11 Development which would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological site of national significance will not be permitted. Development that directly affects non-scheduled sites of archaeological importance will only be permitted if an archaeological investigation has been carried out to determine the nature, extent and significance of the remains, and this investigation indicates that in-situ preservation is not justified, and a programme of excavation and recording has been agreed. Development will also be carefully controlled to ensure that the setting of non-scheduled sites of archaeological importance is not harmed where appropriate.

Emerging LDP Policy SP16: Historic and Cultural Environment states: *"Development will only be supported where it conserves, protects and enhances the following cultural and heritage assets of the County Borough and, where appropriate, their settings: including v. Scheduled Ancient Monuments and Archaeological Remains"*

There are no designated heritage assets within the proposed application site. The archaeological assessment which accompanies the application clearly indicates that there is some potential for unrecorded prehistoric archaeology of Neolithic and later date in the fields surrounding the application area. Area A, which is currently still under agricultural use, has the highest potential for archaeological survival. Area B (which has now subsequently been removed from the proposal) has been extensively altered by top-soiling, vehicle passage and ongoing extraction and is therefore of no concern in relation to archaeology.

CPAT has been consulted and have recommended that Area A is the subject of archaeological mitigation using a programme of strip/map/excavate monitoring during initial topsoil and subsoil removal works. A Written Statement of Archaeological Investigation has been produced to accompany the submitted application which CPAT has agreed as acceptable, and a

condition should be imposed to ensure its implementation and the document listed in the approved plans.

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. With the inclusion of the proposed condition, it is considered that the proposal would accord with PPW11, TAN24, Policy EC11 of the adopted UPD and emerging Policy SP16 of the LDP.

Hydrology/Ground water: The proposed sand and gravel operations are underlain by a Principal and 'Secondary A' aquifer, and located within a Source Protection Zone 3 for a public water supply. The site is therefore considered to be sensitive with respect to controlled waters (including groundwater).

The groundwater monitoring data collected at the site confirm that the base of the extraction area would be above the maximum recorded groundwater level. It is acknowledged that the extraction of minerals would be from above the water table.

The Surface Water Management Plan details the use of five ponds on site. The ponds appear to be either natural ponds or constructed lagoons which are used as settlement lagoons prior to discharge. All the ponds on site are clay lined and treatment of the wheel wash discharge is undertaken prior to discharge.

The abstraction quantities in the Water Management Summary document confirm that the site would require abstraction licences for the operations that are being carried out. Discharge permits are also likely to be required. The decision notice should include informatives with regards to the applicant entering into pre-application discussions with the NRW permitting Team. With regards to the pollution prevention measures method statement included in the application, this should be conditioned.

CONCLUSION

The proposal involves a lateral extension to the east of the existing Ballswood Quarry to release a further 500,000 tonnes of sand and gravel. No further extension of time to the current permitting planning permission would be required, as the mineral would be worked well within the conditioned time limit of 22 February 2022.

The quarry has been in place for over 100 years and the proposed extension is considered to be modest in area, and is relatively small in the context of the existing consented operation. The principle of quarrying in this location is well established and would not conflict with the openness of the Green Barrier.

The RTS2 identifies a shortfall of 1.56mt of sand and gravel in Wrexham to meet anticipated needs. This application would assist in meeting that need.

There is a demonstrable need for aggregate in the region and this proposal would provide sand and gravel as required by the RTS2 and contribute towards Wrexham's apportionment. 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.

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, amended plans and technical reports and appendices.

The proposal, if granted would allow the Quarry to remain open and retain jobs and support the local economy both directly, and indirectly. It is considered that the modest extension would not have a significant cumulative degradation or adverse effects on landscape and visual receptors. It is not considered that the associated impacts at a landscape would be significant. The horse chestnut tree located in Area B afforded protection of a TPO which is considered to be a notable and valued veteran tree provides an irreplaceable feature within the landscape. However, this tree would be retained as Area B would not be worked. The proposal would not have an adverse significant environmental effect on designated and non-designated sites, or protected species, or nature conservation interests subject to condition. Any potential residual effects and impact on residential amenity in terms of noise and dust can be controlled by condition. Extraction would be carried out in accordance with the Written Scheme of Archaeological investigation and watching brief.

The overriding need for sand and gravel has been demonstrated to justify the temporary loss of BMV agricultural land. However, the proposed agricultural restoration of the application area is appropriate and achievable. A condition to require soil management scheme would ensure that the land can be restored back to the same quality agricultural land, with a period of 5 years management and aftercare. Therefore, on balance, the need for the mineral resource, outweighs the temporary loss of BMV agricultural land, which will be restored at a later date.

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, 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

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development to which this permission relates as referred to in No. Condition 4 shall be begun not later than the expiration of 5 years beginning with the date of this permission.

2. The development hereby permitted shall be carried out strictly in accordance with the details shown on the following submitted plans and particulars submitted by the Applicant on 18 May 2022 and additional information and amended plans submitted by the application after 18 May 2022 unless specified as otherwise within any other condition pursuant to this permission:

The plans and documents comprising the Application are:

- Application Form dated 06.05.2022
- Supporting Planning Statement by Kedd Limited. Dated May 2022
- Location Plan - Drawing Ref: KD.BLWQ.2.D.005 Dated December 2021
- Land Under the Control of the Applicant - Drawing Ref: KD.BLWQ.2.D.018 Dated April 2022
- Additional Internal Concrete Haul Road and Secondary Wheel Wash - Drawing Ref: KD.BLWQ.2.D.019 Dated April 2022
- Tree Condition and Aerial Inspection Report - Prepared by Access 2 Tress Dated February 2022
- Noise Environmental Scheme prepared by Kedd Limited Dated February 2022
- Landscape and Visual Impact Assessment prepared by Kedd Limited Dated December 2021
- LVIA Appendix A - Drawings & Photosheets LR
- Bat Survey Report prepared by Heatons. Dated August 2020
- Breeding Bird Survey Report prepared by Heatons. Dated August 2020
- KD.BLWQ.D.2.007 Proposals Plan - Area A and B
- Dust and Air Quality Assessment prepared by Kedd Limited Dated February 2022
- Ecological Report: Ballswood Reptile Report- prepared by Heatons Dated December 2021
- Ecological Report: Ballswood eDNA Survey Report prepared by Heatons Dated December 2021
- Ecological Report: Ballswood Preliminary Ecological Appraisal. Prepared by Heatons. Dated December 2021
- Archaeological Report - Archaeology and Cultural Heritage Assessment prepared by Kedd Limited. Dated February 2022
- Arboricultural Survey Report prepared by Heatons. Dated August 2020
- Ballswood Habitat Regulations Assessment prepared by Kedd Limited Dated May 2022

Received by the Mineral Planning Authority on 13 July 2022:

- Archaeology Written Scheme of Investigation: Ballswood Quarry: Proposed Extension Written Scheme of Investigation Document Number B2208.WSI.MIT.01 dated June 2022 by Archaeology Brython Archaeology

Received by the Mineral Planning Authority on 18 July 2022

- Permitted Full Quarry Design FQD - Drawing Ref: KD.BLWQ.2.025. Dated June 2022
- Ballswood Quarry Water Management Summary Dated June 2022 prepared by HydroGeo Groundwater and Environment Ref: HYG712 M 280622 JW

- Ballswood Quarry - Agricultural Land and Soils Classification
- Update Bat Roost Survey Report prepared by Kedd Limited. Dated July 2022
- Letter dated 13.07.2022 from Steven Pagett, on behalf of Kedd Limited regarding the Summary of Bat Roost Surveys
Received by the Mineral Planning Authority on 5 August 2022
- Water Management Ponds - Drawing Ref: KD.BLWQ.2.027 Rev A.
Dated June 2022
Received by the Mineral Planning Authority on 25 August 2022
- Proposals Plan - Drawing Ref: KD.BLWQ.2.007A. Dated August 2022
- Concept Restoration - Drawing Ref: KD.BLWQ.2.008C. Dated August 2022
- Typical Sections through Area A and B - Drawing Ref: KD.BLWQ.2.D.016B. Dated August 2022
- Section Location Plan - Drawing Ref: KD.BLWQ.2.017A. Dated August 2020
- Updated Topographic Surveys/Current Situation Drawing Ref: KD.BLWQ.2.021A. Dated August 2022
- Updated Topographic Surveys/Current Situation - Areas A and B - Drawing Ref: KD.BLWQ.2.022A. Dated August 2022
- Proposed Full Quarry Design FQD: AREA A - Drawing Ref: KD.BLWQ.2.023A. Dated August 2022
- Proposed Full Quarry Design FQD related to the Permitted Site and Area A - Drawing Ref: KD.BLWQ.2.024A. Dated August 2022
- Restoration Materials - Drawing Ref: KD.BLWQ.2.026A. Dated August 2022
Received by the Mineral Planning Authority on 19 October 2022
- Proposed Route of Permissive Path with Woodland adjacent to Gegin Lane

3. Throughout the operational life of the Site, a copy of this permission, including all the documents hereby approved, or subsequently approved, and forming part of the permission, shall always be available at the site office for inspection during normal working hours as set out in Condition No. 9 of this permission.

4. This permission relates to the extraction and processing of sand and gravel, associated restoration, landscaping and aftercare works within the area as shown edged in red and labelled 'Area A' on the approved Proposals Plan reference Drawing No. KD.BLWQ.2.D. 007A dated August 2022 and hereinafter referred to as the 'site'.

5. Strictly no winning and working of minerals is permitted to take place within the area shown edged in red area labelled 'Area B' on the approved Proposals Plan reference Drawing No. KD.BLWQ.2.D. 007A dated August 2022.

6. Strictly no winning and working of mineral is permitted to take place below 25m AoD.

7. Mineral extraction shall cease at the site within three years of the date of the commencement of the development hereby approved. The dates of final cessation of mineral extraction shall be notified in writing to the Mineral Planning Authority within 14 days of the said date.

8. Restoration of the Site, in accordance with the details set out in the Application, and as maybe subsequently approved under Conditions No. 31 shall be completed within 1 year of the date of the final cessation of mineral extraction at the Site, whichever is the earlier. The dates the completion of restoration shall be notified in writing to the Mineral Planning Authority within 15 days of the said date.

9. The permitted hours of working of the permitted quarry site and associated operations shall be:

0700-1800 hours Monday - Friday,
0730-1300 hours Saturday

No operations apart from maintenance, or emergency works in connection with the safety of the Site shall be carried out outside these hours, or on any Sunday, Bank or Public Holiday

10. Measures to minimise the emission of dust from the Site shall be maintained at all times throughout the period of mineral extraction. The said measures shall include the dust control methods set out in the chapter 4 'Dust Management' of the approved Dust and Air Quality Assessment dated February 2022 by Kedd Limited.

11. No HGV vehicle exiting the Site (which for the purposes of this condition excludes those vehicles which originate from separate premises at Homesteads Garage, and Dependable Concrete who share the Site access road) shall enter the public highway in a condition which is liable to cause deposits of mud, debris or deleterious materials on the public highway and all HGVs exiting the Site shall be appropriately sheeted. All HGVs shall be cleaned of mud and debris by use of wheel/chassis cleaning facilities on site. The wheel cleaning facilities shall be maintained in a good working order and adequately maintained throughout the life of the development.

12. Within three months from the date of this permission, specification details of the Secondary Wheelwash as shown on approved plan ref: KD.BLWQ.2.D.019 'Additional Internal Concrete Haul Road and Secondary Wheelwash', shall be approved in writing by the Mineral Planning Authority.

13. The Secondary Wheelwash and haul road improvements as shown on approved plan ref: KD.BLWQ.2.D.019 'Additional Internal Concrete Haul Road and Secondary Wheelwash' shall be installed and constructed as approved pursuant to details required by Condition No.12 and shall be completed as approved within three months from the date of the details being approved in writing pursuant to condition No.12.

14. Best practice mitigation measures to minimise noise arising from the operations at the site shall be employed at the Site all times as detailed within the approved 'Noise Environmental Scheme' dated February 2022. All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with effective silencers and shall use noise attenuating equipment such as broad band reversing warning devices. Noise mitigation measures shall be monitored and reviewed annually, and additional measures shall be agreed if noise limits as set within Condition No. 15 and 16 are being breached.

15. The rating level of any noise generated by reason of this development shall not exceed 55 dB(A) where background noise levels exceed 45 dB(A).

Where background noise is less than 45 dB(A) the noise level shall not exceed the background level (L90) by more than 10 dB(A). The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

16. During temporary and short-term operations which include soil stripping higher levels are permissible but should not exceed 67dB(A) (1 hour, free field) for periods of up to 8 weeks in a year at the nearest noise sensitive property.

17. Notwithstanding the provisions of Part 19 of the Town & Country Planning (General Permitted Development) Order 1995, no fixed plant, structures or building shall be erected or installed within the Site, except in accordance with such details of siting, design and external appearance as may have been previously agreed in writing by the Mineral Planning Authority.

18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground level and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards within the bund. There shall be no discharge of oils, fuels, chemicals, contaminated surface water or plant effluent onto any land, watercourse or underground strata.

19. Pollution Prevention Measures as set out in Appendix 4 dated April 2022 of the Planning Supporting Statement Dated May 2022 shall be employed on site at all times and throughout the life of the development.

20. The approved Surface Water Management Plan as set out in Appendix 3 dated April 2022 of the Planning Supporting Statement Dated May 2022 shall be implemented as approved on site at all times and throughout the life of the development.

21. The approved development shall take place within the application labelled Area A in accordance with the approved Written Scheme of Investigation Ballswood Quarry: Proposed Extension Written Scheme of Investigation Document Number B2208.WSI.MIT.01 dated June 2022 by Archaeology Brython Archaeology.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, (Clwyd-Powys Archaeological Trust, The Offices, Coed y Dinas, Welshpool, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). A copy of the report and resulting archive should be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

22. No stripping or handling of topsoil or subsoil shall take place within the Site unless a scheme of soil movement and soil management has been submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall clearly identify the origin, intermediate and final locations of soils for use in agricultural restoration together with details of quantities, depths and areas involved. The development shall be implemented in accordance with the approved scheme.

23. Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition, and no movement of soils shall occur:

- (a) During the months October to April (inclusive), unless otherwise agreed in writing with the Mineral Planning Authority; or

- (b) When the upper 1200mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 - 'British Standard Methods Test for Soils for Civil Engineering Purposes'; or

- (c) When there are pools of water on the soil surface.

24. No development shall take place (including, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Mineral planning authority. The CEMP Biodiversity shall include the following.

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works, pre commencement surveys and the distribution of results.

- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

25. An ecological compliance audit shall be carried out by a qualified ecologist, independently of the appointed principal ecologist, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. A copy of the completed audit reports should be submitted to and approved in writing by the Local Planning Authority after each phase of development.

26. No development shall commence until a Great Crested Newt Conservation Plan covering operation and post-operation has been submitted to and approved in writing by the Mineral Planning Authority. The Conservation Plan shall include, though not necessarily be limited to, the following:

- a) Details of protective measures to be taken to minimise the impacts during operation.
- b) Details of timing/phasing and duration of activities.
- c) Submission of a long-term site management plan that includes:
- d) defined aims and objectives;
- e) habitat management prescriptions;
- f) contingency measures if fish or invasive non-native species (INNS) are detected;
- g) proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions; site liaison and wardening;
- h) surveillance based on the methodology of results reported through the online Wales GCN Monitoring Scheme;
- i) licensing requirements for undertaking habitat management and surveillance;
- j) current and any proposed changes to tenure of the compensation area;
- k) persons or bodies responsible for undertaking management and surveillance together with required skills and competencies;
- l) reporting requirements; and
- m) proposed dates for updating or revising the management plan.
- n) Reporting of the results of Ecological Compliance Audits.
- o) Details of measures to prevent or reduce incidental capture, injury or killing.

The Conservation Plan shall be carried out in accordance with the approved details for the life of the development.

27. The mitigation measures as set out in sections 6.1 - 6.7 of the approved 'Ballswood Update Bat Roost Survey Report' dated July 2022 and prepared by Kedd Limited shall be implemented as approved and in full for the life of the development.

28. Prior to the installation of any lighting, a bat friendly lighting plan shall be submitted for written approval to the Mineral Planning Authority. The lighting shall be implemented as approved for the life of the development hereby approved.

29. Prior to working within 100 metres of trees T2, T3 and T4, trees affected by the development hereby approved shall be afforded necessary protection with appropriate maximum root protection areas, as stated within the approved Arboricultural Survey Report dated August 2020 prepared by Heatons, Fencing shall be installed in accordance with specifications provided within BS5837:2012 or as otherwise agreed in writing with the Mineral Planning Authority.

30. All existing perimeter hedges, trees, undisturbed ground vegetation and fences shall be maintained and protected and hedges and boundary fences shall be made stock-proof and shall be maintained throughout the life of the permitted quarry operations until the restoration of the site is completed to the satisfaction of the Mineral Planning Authority. Site operations shall not disturb or destroy any retained hedges and trees including boundary hedges and trees, and fences shall be erected and maintained to protect the same. Retained hedgerows within or bounding the site shall be carefully maintained,

cut and trimmed when appropriate, at the proper season throughout the period of working and restoration of the site.

31. Within six months of the date of this decision notice, a scheme of restoration for the site shall be submitted to the Mineral Planning Authority for written approval. The scheme shall provide for the following matters:-

a) The restoration of the development including treatment, spreading of overburden and soils, fertilisation of the soils, seeding, planting and drainage, location of fences and field boundaries, access tracks and field water supply systems.

b) The planting of trees, hedgerows and shrubs, to include the following;

i. the location, species, numbers and timing of the planting of trees, hedgerows and shrubs within the site;

ii. the methods of planting, protection, maintenance and replacement of trees, hedgerows, and shrubs within the site.

c) The location of existing, retained vegetation and woodland areas within the site, including their protection, management and enhancement.

d) The final treatment of the quarry floor and haul roads, the removal of buildings, plant, hardstandings and reinstatement of the access onto the highway.

32. Within twelve months of the date of this permission, a detailed 5 year aftercare scheme for the management and maintenance of the restored site shall be submitted to the Mineral Planning Authority for written approval. The approved aftercare shall:

a) detail the steps that are necessary to bring the land to the required standard for agricultural use;

b) provide a strategy for the five year aftercare period which shall specify the steps to be taken and the period in which they are to be take;

c) Include the provision of a field drainage system;

d) Provide for an annual meeting between the operator of the site and the mineral planning authoirty;

e) Provide for a detailed annual reporting programme which shall evaluate the aftercare works carried out in the previous year, and provide details of the aftercare works to be carried out in the forthcoming year shall be submiited no later than one month prior to the annual aftercare meeting
The approved scheme shall be implemented in full in accordance with the details and timescales set out in the approved scheme.

33. Any tree or shrub forming part of the approved restoration scheme in connection with the development under Condition 31 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

34. Within 2 months from the date of this permission, a scheme detailing the terms of reference for a Quarry Liaison Committee shall be submitted in writing for the written approval of the Mineral Planning Authority. The approved scheme shall include inter alia:

a) the functions and terms of reference of the Liaison Committee;

b) a list of potential members;

c) suggested venue and frequency of the meetings;

d) a mechanism for review.

35. Within two months of the date of the permission highways mitigation measures shall installed as set out on approved image 'Proposed Route of Permissive Path with Woodland adjacent to Gegin Lane received on 19 October 2022'

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. For the avoidance of doubt, to ensure that the development is carried out as approved and to assist compliance monitoring.
3. For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents and to assist compliance monitoring.
4. For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents and to assist compliance monitoring.
5. For the avoidance of doubt, to ensure that the development is carried out as approved and to assist compliance monitoring, and in the interests of the protection of protected trees, and to accord with the provisions of Policy EC4 of the adopted Wrexham Unitary Development Plan.
6. For the avoidance of doubt, to ensure that the development is carried out as approved and to assist compliance monitoring, and to protect water resources and pollution prevention in accordance with policy GDP1(f) of the Wrexham Unitary Development Plan.
7. To ensure certainty for the life of the development, to limit the timescale of operations, and to align with the cessation of mineral extraction permitted at the site under planning permission Reference P/2016/0110, and to ensure that the development and restoration is carried out in a timely manner.
8. To ensure certainty for the life of the development, to align with the cessation of mineral extraction permitted at the site under planning permission Reference P/2016/0110, and to ensure that the development and restoration is carried out in a timely manner.
9. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To protect the amenities of the occupiers of nearby properties and in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. To protect the amenities of the occupiers of nearby properties and in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
15. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

16. In the interests of residential amenity, and to take account that certain essential activities generate unavoidable higher levels of noise. To comply with Policy GDP1 of the adopted Wrexham Unitary Development Plan.
17. To ensure that plant and machinery can be assessed for residential amenity impact and visual impact. To comply with Policy GDP1 of the adopted Wrexham Unitary Development Plan.
18. In the interest of protection of the environment and water resources. To comply with Policy GDP1 of the adopted Wrexham Unitary Development Plan.
19. For the avoidance of doubt and in the interest of protection of the environment and water resources. To comply with Policy GDP1 of the adopted Wrexham Unitary Development Plan.
20. For the avoidance of doubt and in the interest of protection of the environment and water resources. To comply with Policy GDP1 of the adopted Wrexham Unitary Development Plan.
21. In the interests of archaeology and to secure preservation by record of all archaeological remains which will be impacted by the development in Area A and to accord with Policy EC11 of the adopted Wrexham Unitary Development Plan.
22. For the avoidance of doubt, in the interests of the protection of soil resources on site and in the interest of the retention of existing soils on the site for restoration purposes, and to minimise the impact of the development on the locality and to accord with the provisions of Policies GDP1, EC2 and MW8 of the adopted Wrexham Unitary Development Plan.
23. For the avoidance of doubt, in the interests of the protection of soil resources on site and in the interest of the retention of existing soils on the site for restoration purposes, and to minimise the impact of the development on the locality and to accord with the provisions of Policies GDP1, EC2 and MW8 of the adopted Wrexham Unitary Development Plan.
24. For the avoidance of doubt, in the interests of nature conservation and to accord with the provisions of Policies PS11, GDP1 and EC6 of the adopted Wrexham Unitary Development Plan.
25. For the avoidance of doubt, in the interests of nature conservation and to accord with the provisions of Policies PS11, GDP1 and EC6 of the adopted Wrexham Unitary Development Plan.
26. For the avoidance of doubt, in the interests of nature conservation and protected species and to accord with the provisions of Policies PS11, GDP1 and EC6 of the adopted Wrexham Unitary Development Plan.
27. For the avoidance of doubt, in the interests of nature conservation and protected species and to accord with the provisions of Policies PS11, GDP1 and EC6 of the adopted Wrexham Unitary Development Plan.
28. For the avoidance of doubt, in the interests of nature conservation and protected species and to accord with the provisions of Policies PS11, GDP1 and EC6 of the adopted Wrexham Unitary Development Plan.
29. In the interest of visual amenity and to ensure protection for the existing natural environment and trees on site, and to accord with the provisions of policy EC4 of the adopted Wrexham Unitary Development Plan.
30. In the interest of visual amenity and to ensure protection for the existing natural environment and trees on site, and to accord with the provisions of policy EC4 of the adopted Wrexham Unitary Development Plan.

31. For the avoidance of doubt, in the interests of the restoration of the site, and to minimise the impact of the development on the locality, in the interests of visual amenity, and to accord with the provisions of Policies GDP1, EC2 and MW8 of the adopted Wrexham Unitary Development Plan.
32. For the avoidance of doubt, to ensure successful restoration and aftercare of the site for agriculture, to minimise the impact of the development on the locality, in the interests of visual amenity, and to accord with the provisions of Policies GDP1, EC2 and MW8 of the adopted Wrexham Unitary Development Plan.
33. For the avoidance of doubt, in the interests of the successful restoration of the Site. In the interests of visual amenity, wildlife conservation and biodiversity, and to accord with the provisions of Policies GDP1, EC2, EC4 and MW8 of the adopted Wrexham Unitary Development Plan.
34. To ensure that there is a mechanism for engaging with the local community to ensure that they are fully informed with regards to activities associated with the quarrying operations and development hereby approved to encourage improved community and operator relations, and in the interest of local amenity.
35. In the interests of highways and pedestrian safety in accordance with the provisions of Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

HIGHWAYS

Highways, the applicant's attention should be drawn to item nos. 1, 2, 3, 4 & 5 of the supplementary notes

QUARRY REGULATIONS 1999

The operator of the quarry is required to adhere to the Quarry Regulations 1999, particular note to Regulation 16 relating to perimeter security around the quarry.

OTHER PERMITS AND LICENCES

The abstraction quantities in the Water Management Summary document confirm that the site would require abstraction licences for the operations that are being carried out. Discharge permits are also likely to be required. The applicant is therefore advised to hold pre-application discussions with the Natural Resources Wales Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the licence/permit requirements. It is important to note that a grant of planning permission does not guarantee that a licence/permit will be granted, should a proposal be deemed to be unacceptable.

In addition to planning permission, it is the responsibility of the operator to ensure they secure all other permits/consents/licences relevant to their development. Please refer to the Natural Resources Wales website for further details. <https://naturalresources.wales/permits-and-permissions/?lang=en>

DWR CYMRU/WELSH WATER

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant may also need to apply to Dŵr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""? 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
