

Report of the Chief Officer Planning and Regulatory – 10 January 2022

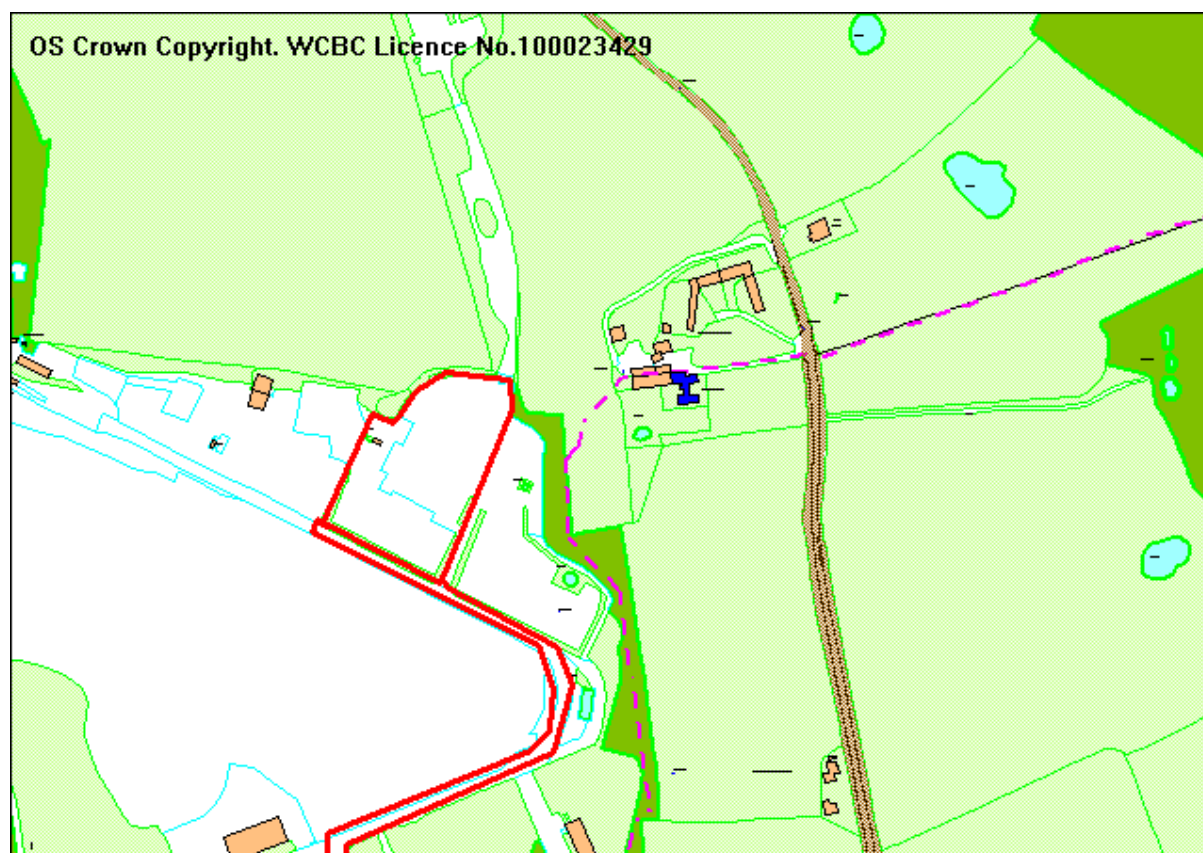
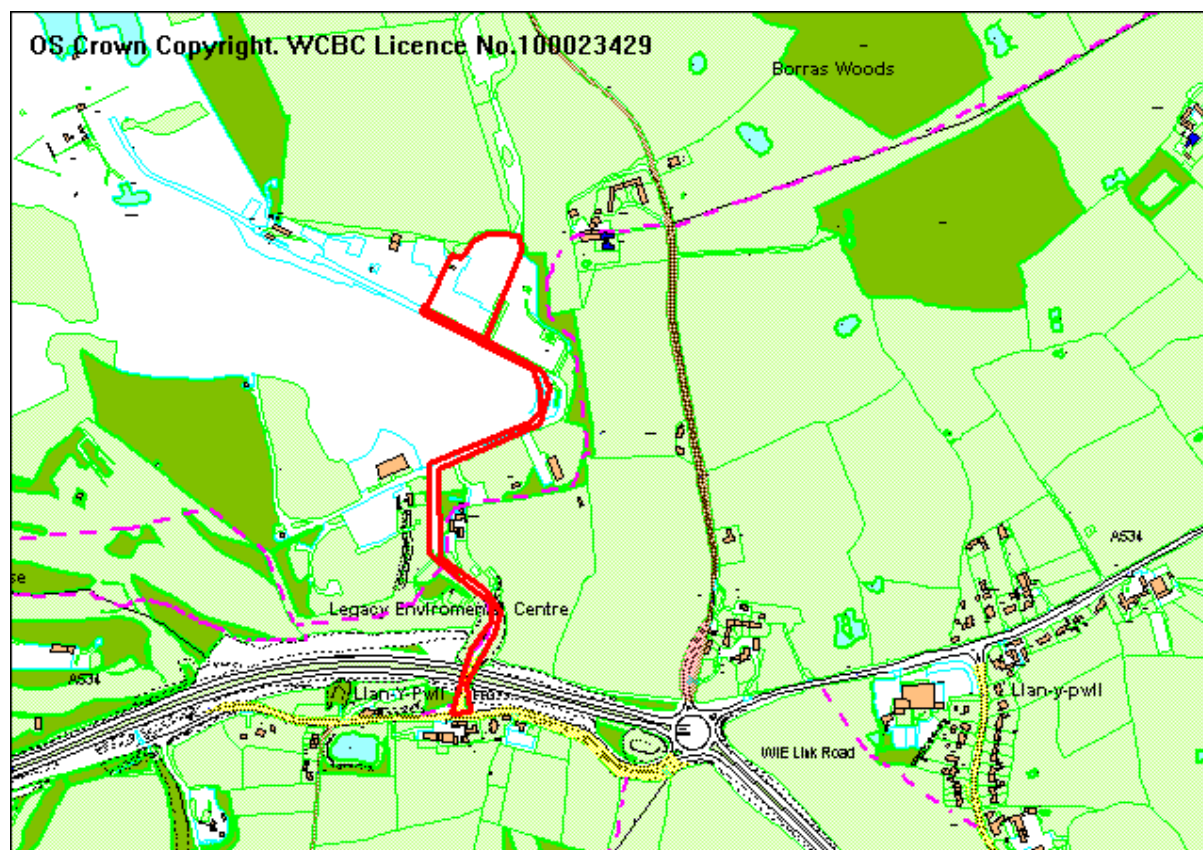
APPLICATION NO: P/2021 /0991	LOCATION: BORRAS QUARRY LLAN Y PWLL WREXHAM LL13 9SE	DATE RECEIVED: 21/04/2021
COMMUNITY: Holt	DESCRIPTION: MEWNFORIO, PROSESU A CHADW PLAENIAU FFYRDD, A MEWNFORIO A CHADW CERRIG MAN CYN EU GORCHUDDIO / IMPORTATION , PROCESSING AND STORAGE OF ROAD PLANINGS, AND IMPORTATION AND STORAGE OF PRE COATED CHIPPINGS	CASE OFFICER: SJG
WARD: Holt		AGENT NAME: MR GUY TITMAN
	APPLICANT(S) NAME: MS JO DAVIES BREEDON TRADING LTD	

THE SITE

The application relates to a 1.3 hectare area of land that forms part of Borrass Quarry.

Borrass Quarry has been a working sand and gravel quarry since the early 1970s. Planning permission was initially granted in 1965 by the former Secretary of State for Wales. Since the grant of the original permission a number of permissions have been granted for mineral extraction and associated operations such as an asphalt plant and a concrete block plant. The extant planning permission for Borrass Quarry (Planning permission reference P/2003/0579) was granted in 2007 and allows for the extraction of sand and gravel until 2042.

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Entrance to Quarry

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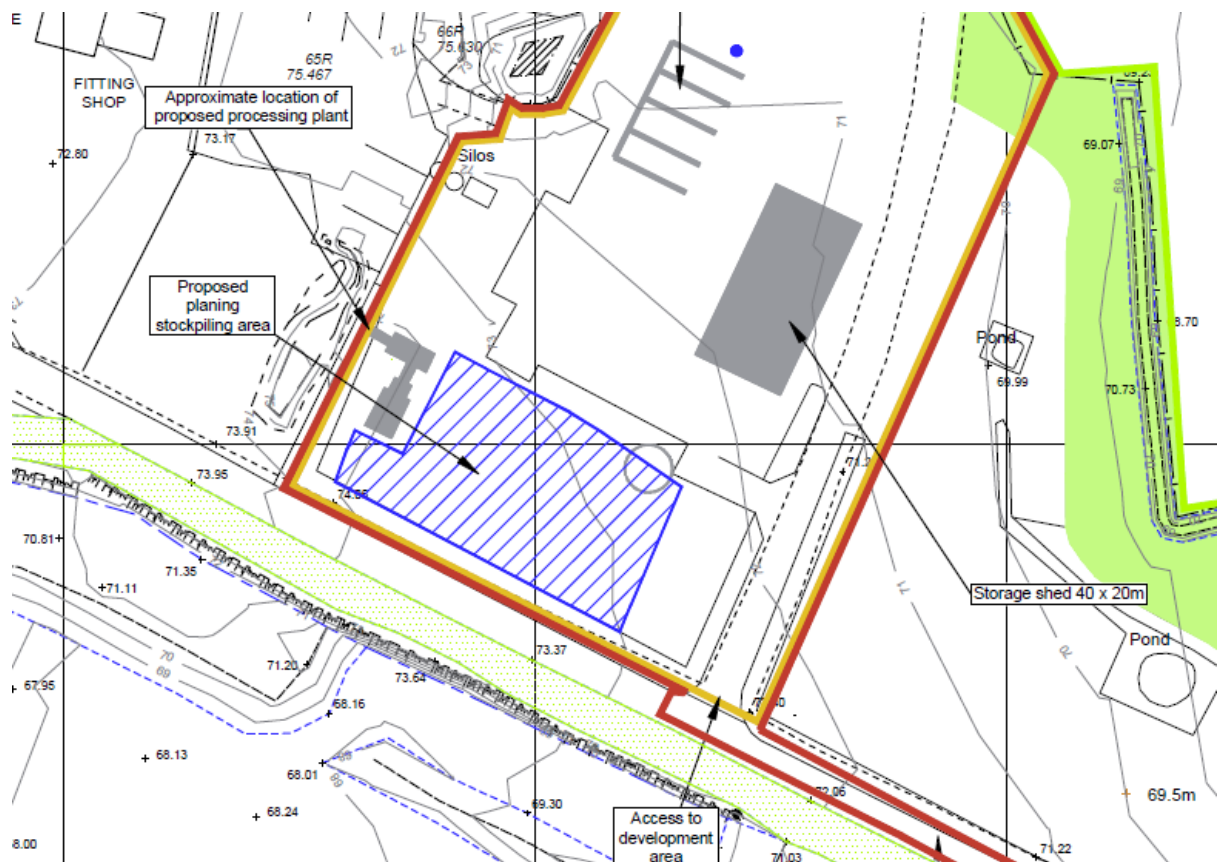


PROPOSAL

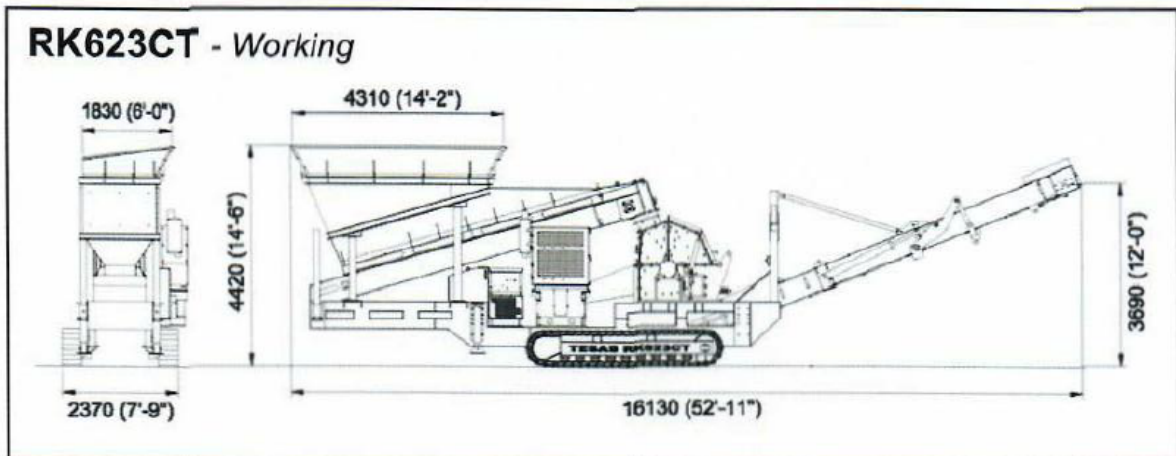
As above

The proposal is to import, store and recycle up to 75,000 tonnes per annum of road planings and import and store up to 5,000 tonnes per annum of pre-coated chippings at Borrás Quarry. The storage and recycling of up to 75,000 tonnes of road planings will be the subject of Standard Rules Environmental Permit SR2008 No11 for the operation of an inert and excavation waste transfer station with treatment. Standard Rules Environmental Permit SR2008 No11 provides for the acceptance of up to 75,000 tonnes of waste per annum and includes waste code 17 03 02 which comprises 'bituminous mixtures other than those mentioned in 17 03 01'. Accordingly, Standard Rules Environmental Permit SR2008 No11 provides for the storage and recycling of up to 75,000 tonnes per annum of road planings at the site.

The application includes a pre-application consultation report, ecology report, noise report and supporting statement.



TECHNICAL DETAILS



Extracts from supporting statement

On page 6 of the planning statement it is stated that

It is proposed that the life of the recycling facility is linked to the life of Borrás Quarry.

It is understood that the life of the extraction of sand and gravel at Borrás Quarry is consented until 21 February 2042 with twelve months for final restoration post 2042.

The proposal to import, store and process road planings will not result in changes to the life of the quarry, the quarry restoration or the phasing. This is confirmed on Page 14 of the planning statement.

Road planings are produced when the surface of a road profile is removed in advance of resurfacing. The road planings will be recycled and utilised in the production of new coated road stone, thus reducing the requirement for primary aggregates. The road planings will be imported from road maintenance and construction projects mainly within the boroughs of Wrexham and Flintshire and once processed either utilised in the Breedon asphalt plant in Llay which is located approximately 5 miles to the north of Borrás Quarry or sold directly from site.

Vehicles will access the proposed development area via the existing access on Holt Road along the existing access road and into the proposed development area on an existing road along the eastern edge of the proposed development area. The imported road planings will be stockpiled throughout the year in a dedicated stocking area within the proposed development area (Figure 3). Up to 20,000 tonnes of road planings will be stored in the stocking area. The height of the planings stockpile will not exceed 5m and the footprint of the stockpile area will be approximately 60m by 30m.

A mobile crushing and screening plant will be used on site to process the planings. The mobile crushing and screening plant will operate under a specific Environmental Permit. The throughput of the plant will be in the order

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of 100 tonnes per hour. As a result of screening operations the majority of the stockpile of planings (approximately 80%) would be processed in a period of approximately 16 to 20 days. It is anticipated that only 20% of the stockpile material will need to be crushed. The crushing and screening process will produce Reclaimed Asphalt Pavement (RAP). The aggregate stockpiles will have a maximum height of 5m until it is transferred to a storage shed.

The RAP will be stored on site in a Nissen hut or similar structure. The structure will be approximately 40m by 20m and a maximum of 10m high. The location of the stocking area, processing area and the storage structure are shown on Figure 3. As the crusher and screen will be mobile and brought onto site as needed throughout the year the location of the plant is indicative, however it will be located on the western area of the proposed development area. The operations would include the use of a loading shovel in addition to the mobile crusher and screen. A loading shovel from the main quarry will be used during the planing processing and loading operations. Approximately 10,000 tonnes per annum of RAP will be loaded into HGVs and transferred to supply the Breedon asphalt production plant in Llay and the remaining RAP will be sold directly from the site.

It is also proposed to import pre-coated chippings that will be stored in four storage bays in the northern part of the proposed development area (Figure 3). Two grades of pre-coated chippings will be stored on site. Two open bays will be used to store each grade. The bays will be constructed with a 1m high concrete plinth with railway sleepers in rolled steel joists above. The bays will be 2.5m in height. The pre-coated chippings will not be stored above the height of the walls of the storage bays. A small water tank will be located adjacent to the storage bays. The pre-coated chippings will be sprayed via sprinklers mounted on the bays. A maximum of 5,000 tonnes per annum of pre-coated chippings will be imported to the site. The maximum stored on site at any one time will be 1,000 tonnes.

HISTORY

P/2003/0579	Extension of sand and gravel workings. Granted 18/1/2007
P/2007/1130	Variation of condition no. 3 of planning permission P/2003/579 to allow for recycling of asphalt planings. Granted 14/11/2007
P/2008/0557	Variation of condition no. 3 of planning permission no. P/2003/0579 to allow for the importation of both limestone and pre-processed granular glass for blending purposes. Granted 7/7/2008
P/2009/0760	Variation of condition no. 3 of planning permission code no. P/2003/0579 to allow for the manufacture of top soil. Granted 2/11/2009

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P/2010/0043	Variation of conditions 3 and 4 of planning permission P/2009/0760 to allow the continued importation and recycling of asphalt planings until 31 December 2012 Granted 5/3/2010
P/2010/0593	Variation of condition 3 of planning permission P/2010/0043 to allow for the importation of clay, soil and sand / gravel arising from the forthcoming industrial estate access road works Granted 7/9/2010
P/2020/01153	Variation of conditions of P/2003/0579 Refused 15/3/2021

DEVELOPMENT PLAN

The site is outside settlement limits and within a Green Barrier and Mineral protection area, as set out in the Wrexham Unitary Development Plan. There is a listed building to the north east. Policies GDP1 PS2 PS10 PS11 MW9 MW11 MW12 EC1 EC4 and EC6 are relevant.

CONSULTATIONS

Holt Community Council:	Consulted 25/10/2021
Local member:	Consulted 25/10/2021
Highways:	No objections
Natural Resources Wales:	No objections
Public protection:	No objection subject to a noise condition
Contaminated Land:	No comments
Welsh water:	No objection
Conservation Officer:	No objections
Ecology Officer:	Consulted
Press notice expired:	17/11/2021
Site notice expired:	23/11/2021
Adjoining occupiers notified:	26/10/2021
	3 objections received expressing the following concerns:
	• The location of the proposed activity could have an impact beyond the local area and therefore an Environmental Impact Assessment may be required. • The proposed location probably has the highest concentration of residential homes in close proximity to the quarry and will therefore potentially will have the greatest impact. I am sure alternative locations could be progressed that would have less of an impact. As stated in the documentation the properties at Borrás Hall Court are some of the closest to the proposed development area at 75m.

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- The proposal will significantly increase the flow of HGV traffic into the Quarry. I am concerned about the increase in dust and noise pollution as a result of this increased activity and would like some assurance about the measures being taken to mitigate and minimise this impact and also the proposed mitigating actions that will be taken should the impact exceed acceptable levels.
- concerned about the increase in noise pollution and air / dust from the proposed processing plant, and any smells that may be created by the processing and storage of bitumen coated products. The document states that the crushing operation may create dust and that water spray will be used if the dust suppression measures are not sufficient. I would ask that the dust suppression measures installed be of a sufficient standard to fully mitigate the possibility of any dust pollution. If this is not possible how will the monitoring of dust pollution and application of water spray be monitored and managed. In the past this responsibility had inadvertently fallen to local residents to notify the quarry of dust pollution.
- The documents also state that crushing will not take place in windy conditions. I would be interested to understand how this will be monitored and managed. The document states that '..... it is unlikely that significant odour would be generated...' This statement, presumably based on the technical aspects of the proposed development, does not assure me that we will not be significantly and adversely affected by the smells from the proposed development. I would like some assurance about the measures being taken to mitigate and minimise these impacts and the proposed mitigating actions that will be taken should the impact exceed acceptable levels (should the proposed development proceed).
- The documents make it clear that Borrás Hall Court is the closest residential noise

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receptor. They also state that the levels of noise will not exceed those stipulated in the existing planning permission. Can the methodology and testing of this statement be clearly explained?

- The proposed development will have a significant negative impact on the surrounding environment - listed buildings adjacent to the site, surrounding natural environment and wildlife.
- The surrounding area provides a habitat for a number of protected species. I am concerned that the proposed development will have a negative impact on the natural environment for these species.
- We already have a level of noise from the quarry which is just acceptable at present but which would be unacceptable if much higher - hence my question about precise location of the planned processing etc - eg will it be in the south east section near our property or in the north west section furthest from our property - I am sure the 5 other residencies in Borrás Hall Court and Borrás Hall will share this concern 2) - Borrás Hall Lane already has much heavy and noisy traffic (tractors, farm vehicles, vans etc and being single lane in many parts it is very difficult to navigate at many times and represents just an acceptable level of noise at present - which we accepted when buying the house and moving in in March. Any more traffic noise would not be an acceptable level and there is also a safety factor as much traffic already travels at excessive speeds for the lane.

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SPECIAL CONSIDERATIONS

Pre-application report: The application was subject to pre-application consultation and the responses have been taken into account in the submitted application.

Screening opinion: A screening opinion has been carried out and the conclusion is that the development does not require an Environmental statement.

Principle of the development: The proposal will introduce a different use to the approved quarry land, but this use is closely related to the approved quarry use, as road construction takes place within the quarry itself as part of the on-going operations. The use of this site as a temporary road-planings operation has been approved on two previous occasions and it considered to be compatible and proportional to the approved development in principle, subject to consideration of detailed issues.

Amenity: The nearest dwelling is approximately 100 metres away from the application site. Public Protection raise no objections to the application subject to a conditions in respect of noise and dust management. Subject to these conditions it is consider the proposals will not give rise to adverse impacts upon residential amenity.

Highways: The existing consents at the quarry do not include any conditions which limit the output rates from the quarry or the vehicle movements. HGVs related to this proposal will continue to access the site using the existing access onto Holt Road via the Gourton Hall roundabout.

In the Transport Assessment which formed part of the 2005 Environmental Statement it was anticipated that the extraction rate at Borrás Quarry could be 820,000 tonnes per annum over a 5.5 day working week for 46 weeks of the year. This would equate to 332 HGV movements per day (158 HGVs in and 174 HGVs out) associated with the exportation of sand and gravel.

The current sand and gravel exportation rate from Borrás Quarry is 450,000 tonnes per annum. Based on a 5.5 day working week for 50 weeks of the year the sand and gravel exportation operations generate approximately 164 HGV movements per day (82 HGVs in and 82 HGVs out). This is considerably less than historic rates that were considered acceptable in highways capacity and safety terms.

Up to 74,999 tonnes per annum of road planings will be imported to the site. Based on a 5.5 day working week and a 50 week year the importation of asphalt planings and subsequent exportation of processed RAP will generate approximately 28 HGV movements per day (14 HGVs in and 14 HGVs out). Up to 5,000 tonnes per annum of pre-coated chippings will be imported. It is anticipated that the pre-coated chippings will be imported on a backhaul basis. If the pre-coated chippings could not be imported on a backhaul basis it would generate 2 HGV movements per day (1 HGV in and 1 HGV out).

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The traffic movements are well within the historic traffic movements associated with the site. It is therefore assumed that the proposed development will not result in any significant increase in vehicle movements at the site compared with previously accepted anticipated traffic generation.

There are therefore no objections to the proposed development on highway grounds.

Ecology: NRW have advised as follows:

Protected Species

Borras Quarry and its environs are known to support the Great Crested Newt (Triturus cristatus). GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We note that the Ecological Technical Note (Wilkinson. J. (2020). Borras Quarry – Planning Applications. Wilkinson Associates Environmental Consultants) submitted in support of the above application has identified that GCN are not present on site. We concur with the findings of this report.

Natural Resources Wales advise that the overall operation of the quarry has the potential to cause disturbance to GCN and/or loss or damage to their resting places. Consequently, we advise that operations are undertaken in accordance with a valid derogation licence. NRW confirm that the site is subject to a valid derogation licence and therefore consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN.

Foul Drainage and Protected Sites

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, NRW issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, NRW are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

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Groundwater Protection

NRW has no concerns to raise as part of this application with regards to groundwater protection as all matters are covered by the standard rule permit SR2008 No.11.

In light of the above the proposal is considered to comply with adopted policies and guidance relating to biodiversity and is acceptable subject to conditions as recommended.

Conservation: There are no objections to these proposals as they appear to have no further impact on the surrounding listed buildings above that already in place from the wider quarry site.

CONCLUSION

The proposed development is considered to comply with adopted policies and guidance and is acceptable as a temporary use. The quarry has an end date of 2042 but an expiry date at least 5 years before this date would allow for planned restoration in accordance with the approved scheme.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered:
BRE/BO/03-21/22324 Site Location
BRE/BO/03-21/22325 Planning application boundary and proposed development area
BRE/BO/03-21/22326 Proposed development area
BRE/BO/03-21/22327 Listed buildings in the vicinity
Appendix A – Noise Assessment (report reference R20.10608/2/JM)
Appendix B – Ecology survey technical note dated 13 July 2020
BRE/BO/06-21/22565 elevations and floor plan of storage shed
Appendix C – elevation of the crushing and screening plant
and as contained within the application documentation.
3. The storage of asphalt planings and plant operation shall be limited to the area identified on the approved plan and shall cease and be abandoned not later than 31/12/2037.
4. The rating level of any noise generated by reason of this development shall not exceed:
Day time operations (07:00 to 19:00 hours)
1) 55 dB(A) where backgroundnoise levels exceed 45 dB(A).
2) Background plus 10 dB(A) where background noise is less than 45 dB(A)
Night time operations (19:00 to 07:00 hours)
3) 42 dB(A)

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Noise levels shall be determined at the nearest sensitive receptor in LAeq, T over a 1-hour measuring period and shall be measured "free-field", at least 3.5 metres away from a façade that faces the noise source.

5. The processing of the planings shall be restricted to between the hours of 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays. There will be no importation, removal or processing operations on Sundays or Bank Holidays

6. The development shall operate in strict accordance with the dust control measures detailed in document ref BRE/BO/TJC/1744/01 dated 21 April 2021.

7. Except with the prior written agreement of the Minerals Planning Authority, or except in emergencies, all heavy goods vehicles entering and leaving Borras Airfield shall do so via the existing access off the A534.

8. In the event that winning and working of sand and gravel has ceased for a continuous period of two years, an alternative scheme and programme of implementation for the interim restoration and aftercare of the Site shall be submitted for the written approval of the Mineral Planning Authority. This scheme shall be submitted within twelve months of the end of the two year period, and implemented within twelve months of the date of approval allowing restoration and aftercare to commence.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

3. In order to define the development hereby permitted, to require compliance with the amended proposals and to provide for such minor departures from the said proposals as may properly be determined without formal application for variation of this permission.

4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

7. To ensure that an adequate service and parking area is retained within the site in the interests of highway safety and to ensure that the amenities of neighbouring residential properties are not eroded by unsightly open storage on the site in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.

8. So that the site is reclaimed if working ceases permanently before the end of the permission

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NOTE(S) TO APPLICANT

Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

The application references the use of a mobile crusher. This is a prescribed activity under the Environmental Permitting (England and Wales) Regulations and prior to use the applicant is advised to contact the Councils Environmental Health and Housing Standards team to discuss any applicable regulatory controls.

The development is adjacent to a public right of way and the applicant should ensure that the footway is not interfered with. Further guidance can be obtained by contacting the Council's Rights of Way Officer on 01978 792761.

Natural Resources Wales Advice for the Developer Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Waste produced during construction

Waste produced during the construction phase of your development must be

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dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls.

The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

If you have any queries on the above, please do not hesitate to contact NRW.

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>
