

Mr David Brock  
Mills & Reeve Solicitors  
Francis House  
112 Hills Road  
Cambridge  
CB2 1PH

Eich cyf . Your ref: DMBJ/4000109-0002-0  
Ein cyf: Our ref: A-PP115-98-004

Date: 31 July 2003

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990:  
SECTION 78 APPEAL BY TARMAC CENTRAL LTD  
FOR EXTENSION OF CURRENT LIMESTONE EXTRACTION OPERATIONS, AND  
SECTION 247 APPLICATION FOR STOPPING UP OF HIGHWAYS ORDER,  
AT BURLEY HILL, PANT DU, NERCWYS, MOLD**

1. Consideration has been given to the report of the Inspector, Mr Clive Nield BSc CEng, MICE, MCIWEM, who held a public local inquiry into your client's appeal under Section 78 of the Town and Country Planning Act 1990 (the 1990Act) against the decision of Denbighshire County Council to refuse planning permission for the extension of the current limestone extraction operations at Burley Hill Quarry, Pant Du, Nercwys, Mold. An application to the National Assembly for Wales for the Stopping Up of Highways (Burley Hill, Pant Du, Nercwys, Mold) Order 2003 under Section 247 of the 1990 Act for the closure and re-routing of a 420 metres length of Footpath No 35 situated at the south-eastern corner of Burley Hill Quarry was subject to objections which were also heard at the public local inquiry

2. On 16 July 2002 a direction was issued by the Planning Inspectorate that the appeal should be determined by the National Assembly rather than by a planning Inspector. On 16 July 2003 the National Assembly resolved that a committee to be

Parc Cathays  
Caerdydd  
CF10 3NQ

Cathays Park  
Cardiff  
CF10 3NQ

known as Planning Decision Committee 2003/1 be established in accordance with Assembly Standing Order 35 to discharge the functions of the Assembly under Section 79 of the Town and Country Planning Act 1990 in respect of the above appeal and the Stopping Up of Highways Order under Section 247 of the 1990 Act. Accordingly, the Planning Decision Committee has considered the appeal and has resolved under Standing Order 35.16 to adopt this letter.

3. The Inspector's conclusions are set out in paragraphs 236 to 280 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that the appeal be dismissed and that the Stopping Up of Highways Order be refused. The Planning Decision Committee agree with his conclusions and accept his recommendations.

4. The Planning Decision Committee agree with the Inspector, for the reasons given by him, that there is no need for the development in terms of the demand for primary aggregates and that despite the benefits of the proposed restoration scheme over the existing ROMP (Review of Mineral Permissions) scheme the net effect on the character and appearance of the landscape would be seriously harmful on account of the loss of several important features. They also agree that the proposal would cause some harm to nature conservation and would cause some loss of amenity in recreational use of the local network of footpaths. With regard to the recreational use of footpaths, and any effects on the amenity of nearby residents, the Planning Decision Committee agree with the Inspector that these would not be significantly greater than for the ROMP scheme. Overall, the Planning Decision Committee agree with the Inspector that while the proposed development would provide benefits in terms of substantial savings in environmental and economic costs associated with haulage, and would bring benefits to the local economy in terms of more direct and indirect jobs, these and all other matters raised are insufficient to outweigh the unacceptable harm that would occur to the landscape of the Clwydian Range Area of Outstanding Natural Beauty.

5. The Planning Decision Committee have taken account of correspondence received after the inquiry closed but do not consider that any new evidence or new matter of fact has been raised which materially affects their decision.

#### FORMAL DECISION

6. For the reasons given by the Inspector the Planning Decision Committee hereby refuse your client's appeal under Section 78 of the Town and Country Planning Act 1990 and refuse to make the Stopping Up of Highways Order.

7. A copy of this letter has been sent to the Head of Planning Services,

Denbighshire County Council and to those persons and organisations who appeared at the inquiry.

Yours faithfully

**Carwyn Jones AM**

Chair, Planning Decision Committee 2003/1

Enc; Leaflets "H" and "HC"