



Adroddiad

Ymchwiliad a agorwyd ar 22/06/04
Ymweliad â safle a wnaed ar 24/06/04

Report

Inquiry opened on 22/06/04
Site visit made on 24/06/04

gan/by Clive Nield BSc, CEng, MICE, MCIWEM

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date **05 -08 -2004**

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 77

CONWY COUNTY BOROUGH COUNCIL

APPLICATION BY HANSON QUARRY PRODUCTS EUROPE LIMITED

St Georges Quarry, Nant Ddu Road, St George, Abergele, Conwy

Cyf ffeil/File ref: APP/T6905/X/03/514370

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Site address: St Georges Quarry, Nant Ddu Road, St George, Abergele, Conwy, LL22 9BD

- The application was called in for decision by the National Assembly for Wales by a direction made under section 77 of the 1990 Act on 3 April 2003.
- The application is made by Hanson Quarry Products Europe Limited to Conwy County Borough Council.
- The application (Ref. 0/26569) is dated 27 September 2002.
- The development proposed is an extension to the south of the existing working area.
- The reason given for making the direction was that the National Assembly for Wales considered the proposed development raises issues of more than local importance, conflicts with national planning policies and could have undue effects beyond the immediate locality.
- On the information available at the time of making the direction the following were the matters on which the National Assembly for Wales particularly wished to be informed for the purpose of its consideration of the application:-
 - (1) background and national policy, particularly the 5 key principles for a sustainable pattern of mineral extraction as defined in Minerals Planning Policy Wales (2000) and the more detailed guidance on the way the land use planning system makes provision for resources for construction aggregates contained in Minerals Technical Advice Note, MTAN (Wales) 1: Aggregates (March 2004);
 - (2) regional issues, particularly in regard to the need for the material, the availability of alternative sources and other materials, and the current landbank position;
 - (3) local issues, including matters raised by local residents, impacts on nearby environmental designations, and the impact on the local economy; and
 - (4) development plan and emerging Unitary Development Plan policies.
- The inquiry sat for 2 days on 22 and 23 June 2004.

Summary of Recommendation: The application be approved subject to conditions.

Preamble

1. This report includes descriptions of the site and surrounding area, the proposed development, the planning history and policies, the gist of representations made, my appraisal and conclusions and my recommendations. Document references are shown in brackets, and in my appraisal and conclusions the numbers in square brackets indicate the relevant paragraphs of the report. Details of the people who appeared at the inquiry and comprehensive lists of the documents and plans referred to are attached at the end of the report. Possible conditions are attached as an annex.

Background and Procedural Matters

2. The application for planning permission included an application statement, which included Plans 1-18, and an Environmental Impact Assessment statement (Documents 6 & 7). The latter included a non-technical summary and has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. In response to questions raised by the Council some supplementary information was provided relating to alternative sites (letter dated 22 December 2002), hydrogeology and archaeology (letter dated 3 February 2003 with reports on archaeology and private water supplies), and karstic features, springs, wells and sink holes (letter dated 11 February 2003). (Document 11.1)

3. The Council's planning officer submitted a report to the planning committee on 12 February 2003 (Item 3 in Document 11.3) recommending that permission be granted subject to conditions. However, on the same day the National Assembly for Wales (NAW) directed that permission should not be granted pending its consideration of possible call-in of the application for determination by the Assembly. Following the subsequent decision to call-in the application and in response to further queries raised in respect of the Environmental Statement, additional information was provided under cover of letters dated 7 July 2003 (covering a range of matters), 19 September 2003 (covering alternatives, noise and dust) and 2 December 2003 (covering the use of slate waste and quarry production costs) (Documents 8.1-8.3). Additional plans were also produced showing proposed landraising and restoration levels (Plans B1-B4 and C1-C2). (Document 11.1)
4. In addition, on 22 January 2004 an application to divert/stop-up a footpath was submitted to the National Assembly (Document 8.4). This application was not considered at the public inquiry, and it is understood that the Assembly has received no objections to it.
5. The Council did not present evidence at the public inquiry. However, it has stated that its committee report (Section 3 in Document 11.3) should stand as a written submission of its support for the proposal. It did, however, participate in discussions held at the inquiry into possible conditions and was party to the Statement of Common Ground (Documents 5.1-5.2) and the Section 106 Agreement offered by Hanson (Document 16). The latter, described as a Planning Obligation by Agreement, would involve the relinquishment of the landbank reserves at Llanddulas Quarry, located between Colwyn Bay and Abergele.
6. At the inquiry Mr Verity spoke on behalf of the Trustees of the Kinmel Estate, the owners of the land on which the quarry currently operates and its proposed extension. The Estate supports the proposal. Three local residents also spoke at the public inquiry. In addition, a number of written representations were received (Document 3), including letters from Assembly Members Brynle Williams and Alan Pugh, who particularly emphasised the desirability of the decision being made as quickly as possible.
7. I held a pre-inquiry meeting on 27 April 2004, and I carried out unaccompanied visits to view the land around the site on that day and on the day before the public inquiry. I carried out an accompanied site visit on 24 June 2004 and this included the following: the present quarry area and service yard to the north, the proposed extension site, all of the relevant view points in the surrounding area, the village of St George, the Kinmel Estate, the A55 road to the north, and 2 other quarries, Llanddulas and Raynes (both located between Colwyn Bay and Abergele).

Site and Surroundings (Document 5.1)

8. The application site is situated approximately 2.5 km south east of Abergele and 0.5 km south west of the village of St George. It covers some 61 hectares, comprising 16.6 hectares of existing quarry workings, 11.6 hectares of proposed extraction area extension, 6.4 hectares of remnant woodland and 26.4 hectares of land in continuing agricultural use, though with some 8 hectares of the latter being used for the storage of soils and overburden. The site is bounded by St George Road and the existing processing plant area to the north, the Dinorben Farm access track and Pant-y-Coed wood to the south and unclassified roads to the west and most of the east. (See Plan 1 in Document 6)

9. Access to the site is from the Nant Ddu Road entrance into the processing plant area, which is separate from the quarry area, and then by a crossing of St George Road. Transportation to the wider road network is by means of Nant Ddu Road, which crosses over the A55 on a bridge, north-west along St Asaph Road to the A457, and west to the grade-separated A55 junction on the eastern edge of Abergele. (see Plan 1)
10. The part of the application site not already in quarry use is improved pasture land used for sheep and cattle grazing with scattered trees and several small ponds. The extension area would be to the south of the existing quarry, which occupies an elevated position on the edge of a limestone plateau, which forms a distinct divide between low-lying coastal farmland to the north and higher level undulating farmland to the south. The site is at a level of about 150-160 metres AOD and slopes gently from south-west to north-east. To the west the land falls more steeply to about 130 metres AOD, whilst it is fairly level to the east.
11. The nearest settlements are Abergele to the north-west, the village of St George (a Conservation Area) about 0.5 km to the north-east and Bodtegwel Terrace, a small group of houses at the junction of Nant Ddu Road and St Asaph Road a short distance to the north. There are also scattered farmhouses, and in particular Dinorben Farm immediately to the south and Fadre Farm a short distance to the west of the proposed extension site. Both houses are Grade II* listed buildings. Kinmel Park, an area of historic parks and gardens in the Register of Landscapes, Parks and Gardens of Special Historic Interest, lies about 1 km to the east and is separated from the site by mature woodland. A public footpath crosses the site immediately to the south of the present quarry void and would have to be diverted.
12. The application site itself is not covered by any statutory landscape designation, though it does lie within a Special Landscape Area designated in the Colwyn Borough Local Plan, which covers the whole of the hinterland south of the A55 trunk road. The Clwyd Landscape Assessment, carried out by the former Clwyd County Council in 1995, describes the area as “*an undulating landscape with a strong local limestone character typically well-wooded and with a small-to-medium sized field pattern*”. Local influences include steep sided valleys, wooded escarpments, predominant use of limestone for buildings and stone walls, and quarrying activities.

Planning History (Document 5.2)

13. The formal planning history of St Georges Quarry dates back to 1948 when an Interim Development Order was granted (ref. 59/189). In 1974 planning permission was granted for the erection of a concrete batching plant (ref. 5/4542), and in 1986 planning permission was granted for the realignment of the quarry working area (ref. 1/AGT/8138). This involved relinquishing the rights to work certain parts of the IDO permitted area (essentially mature woodland areas at Coed Ty Croes and Coed Parc-y-Meirch immediately to the south-west of St George village and an area of land to the north-west of the village) in return for a similarly sized extension to the south. That permission was subject to a Section 52 Agreement that precluded future mineral extraction in the 3 areas.
14. The IDO permission was reviewed under the provisions of the Planning and Compensation Act 1991, and a new set of conditions was formally issued in January 1994 (ref. 1/15315). The quarry currently operates in accordance with these conditions. In January 1995 permission was granted for a replacement processing plant, pursuant to conditions in the 1994 IDO review. The applicant company, Hanson, acquired the quarry in 2000 following the

merger of Tilcon (the previous quarry operator) and Tarmac. Whilst Hanson now operates the quarrying and processing operations, Tarmac retains responsibility for operation of the concrete plant and an asphalt plant on land within the main processing plant area (see Plans 1 & 3 in Document 6).

Proposed Development (Document 7)

15. The proposals represent a continuation of existing quarrying operations to the south of the current working area (see Plans 2 & 3). The new extraction area would cover 11.6 hectares and release a total of 14.8 million tonnes of saleable mineral: 12.8 million tonnes within the new area and 2 million tonnes currently inaccessible within the existing area due to face instability and restricted working area.
16. The extension would be worked and restored progressively over 4 principal phases extending for an estimated 30 years. Due to space constraints within the quarry void, overburden and soils from Phase 1 would be stored within fields adjacent to the extraction area. This would ensure that adequate material was available to achieve the final proposed valley restoration. About 8 hectares of land within the extension area would be used for storing soils and overburden by means of landraising. When a suitable sward had become established, the landraising areas would be grazed until the stockpiled materials were needed during Phase 4 to complete the restoration of the site. Hedgerow and woodland planting would be carried out, and final restoration of the site would involve the creation of a valley feature incorporating a range of nature conservation habitats.
17. The various phases are illustrated on Plans 9-13 in Document 6. They show work gradually moving in a southerly direction with soils and waste materials being used to progressively restore the areas quarried in previous phases. Final restoration work would be carried out with the stockpiled material from the landraising areas, which would be returned to their present-day levels. Plan 14 illustrates the overall restoration concept.
18. Limestone from the extension area would be processed through the existing plant on the northern side of St George Road, via a conveyor link from the existing primary crusher on the southern side of the road. In addition, some new plant would be installed to maximise the production of quality aggregate. A proportion of the processed limestone would be used in the on-site concrete and asphalt plants, which are separately operated and permitted and would continue whether or not the current application is granted. The application indicated that there would be no intention of altering the current permitted working hours, which are: 0600 to 1800 hours Monday to Friday and 0600 to 1300 hours on Saturdays for quarrying operations; and 0530 to 1900 hours Monday to Friday and 0530 to 1600 on Saturdays for the concrete and asphalt plants. However, this intention was reconsidered during the inquiry.

Planning Policy (Document 11.1)

National Policy

19. Relevant national policy is contained in Planning Policy Wales (PPW), Minerals Planning Policy Wales (MPPW) and Minerals Technical Advice Note MTAN (Wales) 1, Aggregates. PPW aims to achieve sustainable development by pursuing a balance of 4 particular objectives: social progress that recognises the needs of everyone; effective protection of the environment; prudent use of natural resources; and the maintenance of high and stable levels of economic growth and employment. MPPW continues this theme and says (para. 10) that

the essential role of mineral planning authorities is to ensure a proper balance is struck between the fundamental need of society for a wide range of materials, the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment.

20. MPPW (para. 10) says that the overriding objective is to provide a sustainable pattern of mineral extraction by adhering to 5 key principles, which must be taken into account in development control; these are to:
 - provide mineral resources to meet society's needs and to safeguard resources from sterilisation;
 - protect areas of importance to natural or built heritage;
 - limit the environmental impact of mineral extraction;
 - achieve high standard restoration and beneficial after-use; and
 - encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.
21. These 5 key principles are further explained in paragraphs 11-56 of MPPW. Paragraph 12 acknowledges that minerals can only be worked where they occur and that the contribution of recycled waste materials should be taken into account. Paragraphs 19 and 20 recognise that aggregates landbanks are extensive in North Wales but that a significant proportion of reserves are contained in long inactive sites which may never work again. MPPW encourages determination of the future of such sites and discussion on the most suitable locations for future operations. It is acknowledged (para. 20) that, in some circumstances, it may be necessary to maintain an adequate landbank by approval of new permissions in more acceptable locations.
22. Paragraphs 21-25 advise that minerals developments in areas of national (or international) designation for landscape or nature conservation purposes should be subjected to particularly rigorous examination, and paragraph 26 extends the need for careful consideration to locally designated areas, where the degree of protection should be commensurate with their relative importance to biodiversity or landscape. Paragraph 30 advises that the need to protect the quantity and quality of surface and groundwater should be taken into account, and paragraph 31 refers to the preservation of historic buildings, landscapes, parks and gardens, conservation areas, and ancient monuments and their settings.
23. Paragraphs 34-47 deal with environmental impact, and include a (non-inclusive) list of issues to be addressed. These include:
 - access and traffic generation, including the routes to be used for minerals transportation;
 - noise;
 - the control of dust, smoke and fumes;
 - disposal of mineral waste;
 - blasting controls;

- land drainage, impact on groundwater resources and the prevention of pollution of water supplies;
 - visual intrusion and general landscaping;
 - impact on sites of nature conservation, historic and cultural importance;
 - land instability;
 - promotion of the use and treatment of unstable, derelict or contaminated land;
 - cumulative impact;
 - restoration, aftercare and after-use.
24. MPPW Paragraph 40 advocates the use of buffer zones to provide areas of protection around mineral workings, and paragraph 41 recognises that extensions to mineral workings are often more generally acceptable than new greenfield sites. Paragraphs 55 and 56 encourage the use of alternative or recycled materials and emphasise the importance of ensuring that natural minerals are not wasted, that they are used as efficiently as possible and that they are not exploited for a lower grade purpose than originally intended. Finally, paragraphs 67-70 provide particular advice on aggregates. They acknowledge that it is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals needed. However, they also advise that increasing emphasis should be given to the use of alternative materials where appropriate.
25. More detailed advice is provided in the newly published (March 2004) MTAN 1, and sections A-E respectively cover the 5 key principles established in MPPW. The provision of adequate resources is covered in Section A, which advocates a gradual change in the pattern of supply to reflect current notions of sustainability (para. 29) and efforts to reduce the excessive hard rock landbanks in North Wales (para. 31). Paragraph 34 identifies the need to change the pattern of aggregates use in Wales through the increased use of secondary and recycled materials and advises that this objective must be taken into account in the determination of proposals for future primary extraction. It concludes with the following strong statement: *“In other words, where the landbank of permitted reserves is adequate for the foreseeable future, mineral planning authorities should consider carefully whether any further planning permissions for primary extraction should be granted but in the knowledge that planning permission should normally be refused.”*
26. MTAN 1 paragraph 49 provides further advice on landbanks. It acknowledges that, for purposes of commercial stability, the aggregates industry needs a proven and viable landbank, which must be adequate but not excessive. It advises that for crushed rock a minimum 10 years landbank should be maintained throughout a development plan period and that, where landbanks already provide for more than 20 years of aggregates extraction, extensions to existing sites or new extraction sites should not be permitted *“save in rare and exceptional circumstances”*. It says that this may be justified, for example, *“where supply of an aggregate of a particular specification is clearly demonstrated or where operators are prepared to unilaterally surrender the consents relating to existing permitted reserves through planning agreements or Prohibition Orders”*.
27. Sections B and C of MTAN 1 provide further advice on the protection of the environment. In particular, paragraph 71 advocates the use of a 200 metres minimum buffer zone around hard
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rock quarries, unless there are clear and identifiable reasons for reducing the distance, for example where there are other means of control or very limited impact. Further advice is provided on dust, blasting, noise and visual impact. A maximum daytime noise limit of 55 dB(A) or 10 dB(A) above background levels (whichever is the lower) is recommended, with night-time levels at sensitive properties not exceeding 42 dB(A). Noise limits are specified in terms of $L_{Aeq,T}$ over a one hour measuring period.

28. Section E deals with encouraging the efficient use of materials and sets broad objectives to increase the proportion of aggregates production in Wales from secondary and recycled sources to at least 25% of total aggregates supply within 5 years. It advises that this is only likely to be achieved by a significant increase in the use of slate waste in North Wales.
29. MTAN 1 also advocates that future extraction should only take place in the most environmentally acceptable locations. In future development plans will be informed by a Regional Technical Statement, which in turn will be based on an Environmental Capacity Assessment. These are to be prepared over the next 2-3 years.

Local Policies

30. The development plan comprises the Clwyd Structure Plan Alteration (Conwy Version) and the Colwyn Borough Local Plan, both adopted in March 1999. The Clwyd Structure Plan contains a chapter on minerals development, and Policies MIN1, 2, 3, 6, 7, 10 and 11 are relevant. Policy MIN1 confirms that mineral proposals will be assessed in relation to:

“A- The contribution it makes to meeting local, regional or national requirements including whether or not the mineral is of a quality and composition not otherwise available;

B - Its impact on the quality of the local environment, particularly in terms of whether unacceptable damage or loss of amenity would occur; and

C - The benefits accruing to the local economy.”

31. Policy MIN2 lists detailed factors to be considered, Policy MIN3 requires the provision of adequate controls for regulation of the development, Policies MIN6 and 7 encourage the provision of natural restoration schemes where land is not required for agriculture and that restoration be carried out promptly. Policy MIN10 has regard to maintenance of a landbank in accordance with government policy, and Policy MIN11 confirms the requirement for quarry extensions to provide a consolidated development with up-to date standards of operation, restoration and environmental protection in combination with the existing mineral activity.
32. The Structure Plan also contains several more general policies of relevance. Policy CONS20 seeks to protect the settings of features of architectural and historic interest (conservation areas and listed building), and Policy CONS23 has similar aims to safeguard the settings of historic parks and gardens. Policy GEN2 lists general criteria, which include the minimisation of travel, consistent with the proximity principle in national policy.
33. Turning to the Colwyn Borough Local Plan, in addition to policies of general criteria for development, it includes mineral Policy CE13, which says that proposals for further quarrying will be supported provided that: (i) an EIA demonstrates that the development would have “no significant impact on the local amenity and the environment”; (ii) there are

- comprehensive landscape proposals; and (iii) that satisfactory provision is made for the restoration and aftercare of the site.
34. Policy CN3 relates to the Special Landscape Area, which affects the whole of the rural hinterland of Colwyn south of the A55 trunk road, and aims for high standards of design to reflect the quality of the rural area. Policies CN17, CB10 and CB11 define a number of historic landscapes and gardens, including Kinmel Park, and conservation areas and aim to avoid detrimental effects on these.
 35. The emerging Unitary Development Plan is also a material consideration, though it has only reached consultation draft stage so far, and the weight to be attributed to it should be correspondingly tempered. It proposes to delete the Special Landscape Area referred to above in Local Plan Policy CN3 and, instead, designate an area of landscape value with less expansive boundaries, which would not include the application site.
 36. The draft UDP includes a specific chapter relating to minerals, and draft Policy M1 lists a series of typical criteria for such development, which add nothing to the established national and local policies. However, draft Policy M2 is particularly relevant and confirms that the winning and working of hard rock will take place from sites with existing planning permission and from “*extension to St George’s Quarry within the area shown on the proposals map, provided that the proposed development would bring forward or enable significant improvements to amenity...*”. The accompanying text acknowledges that the area already has sufficient reserves of hard rock within the plan period but refers to intentions to designate land to the south of the existing quarry as the proposed extension in order to extend the life of the quarry and protect jobs.

Case for Hanson Quarry Products Europe Limited

The material points are:

Introduction

37. One of the outstanding features of the proposal is that it has not attracted concerted objection. Minerals development is often contentious because of the need to work minerals where they lie and the relatively extensive areas of land involved. In this instance, whilst there have been some locally based concerns, they have generally been in connection with the operation of proper controls rather than the principle of the development, and there has been no concerted opposition either at the public inquiry or in the lead-up to it. No objections have been raised by statutory consultees, including the Countryside Council for Wales, the Council for the Protection of Rural Wales, the Environment Agency, the Abergele Town Council, the Llanfairtalhaiarn Community Council, and the various relevant Conwy CBC departments. The Mineral Planning Authority was minded to grant permission for the proposed quarry extension had the application not been called-in for determination by the National Assembly for Wales. (Documents 11.1 & 23)
38. It is believed that the National Assembly’s main concern is in regard to the sustainability of the proposal and in particular to its desirability in the context of the key principles described in MPPW and MTAN1. The main concerns seem to be how the proposal would stand against the national aims to reduce the proportion of aggregates supply met from primary sources, to encourage the use of secondary aggregates, and to reduce the extent of the rock landbank in

North Wales. The Applicant's evidence has concentrated on these matters, whilst other aspects, which are less contentious, have been dealt with in less detail. (Document 11.1)

Environmental Impact (Documents 7 & 11.1)

39. The application was accompanied by a detailed Environmental Impact Assessment (Document 7), and this has been supplemented by additional information and reports at the request of Conwy CBC (see para. 4.1 of Document 11.1) and the National Assembly (see Documents 8.1-8.4). There are no outstanding technical queries, and the planning officer's report to committee (Item 3 in Document 11.3) included a detailed review of environmental impacts which concluded that, although the proposal would impact on the amenities of the area, "*they are capable of being mitigated to an acceptable level*".
40. Landscape and visual impact is described in Section 4 of the EIA (Document 7). The assessment has been carried out using methodology based upon the Guidelines for Landscape and Visual Impact published by the Landscape Institute and the Institute of Environmental Assessment. Impacts are identified as: the movement of mobile plant and traffic; landraising for soil storage purposes; permanent land-take by the quarry, involving the loss of landscape features; introduction of woodland and hedgerow planting, which would improve the landscape character; valley restoration and woodland planting, which would bring about major improvement to the degraded landscape in both the existing quarry and proposed extension; and the stripping and regrading of soil and overburden, which would be a temporary disturbance.
41. Overall, the landscape effects generated by the development would be moderately beneficial in the long-term apart from the landraising activities, which would be moderately adverse though temporary. The proposed restoration, including hedgerow and woodland planting, would diversify the existing predominantly agricultural landscape and restore habitats lost to other land uses. (Document 7)
42. Visual impact is assessed from 11 viewpoints at various distances and directions around the site (see Figure 4.1 and photographs in EIA). The main causes of visual impact would be the mitigation planting, vehicular movements, land-take, operation of the quarry and landraising activities. The extension area is generally well contained due to intervening topography and woodland, whilst views of the current quarry operations are limited to partial views of the faces, haul road embankment and the processing area. Views of the present operational area would improve as it is restored and woodland planting matures, particularly views from the north and St George village. The proposed landraising and intermittent woodland would partly block views from the south and west, though there would be an adverse effect from higher ground on Moelfre Isaf and several scattered houses (see Fig. 4.1 in Document 7). The 2 nearest houses would be at Dinorben and Fadre Farms where adverse effects would be experienced during construction of the landraising areas. However, these would then screen views of quarrying activities. (Document 7)
43. The application site is not covered by any statutory landscape designation. The adopted Colwyn Borough Local Plan shows virtually the whole of the borough as a special landscape area. However, this form of designation is no longer favoured, and the emerging Unitary Development Plan proposes to designate a more limited Area of Landscape Value, which would not include the quarry and extension site. The design of the development would substantially minimise the visual effects of the operations. (Document 11.1)

44. The proposed extension would have no effect on the settings of either Kinmel Park or the St George Conservation Area as natural topography would provide full screening. It would be visible in the context of Dinorben and Fadre Farms, which contain listed buildings. However, there would be no material adverse effect on their settings. (Document 11.1)
45. The existing quarry and the proposed extension area would be progressively restored as quarrying operations moved gradually in a southerly direction. The restoration strategy would be based upon creating a wooded valley feature, which would curve through the natural topography. Large volumes of overburden material released from the extension area would provide opportunities for enhanced restoration within both the existing quarry and the extension area. Rock outcrops would be interspersed with woodland planting, scrub, grassland and a small wetland feature at the base. These habitats would maximise opportunities for nature conservation and support biodiversity objectives. Implementation and aftercare of the restoration scheme has been addressed via a detailed management scheme (Document 15). The proposals are imaginative and would create an attractive long-term landform, which would both integrate into the adjoining topography and create a valuable nature conservation asset. (Document 11.1)
46. Section 5 of the EIA describes the ecological assessment. The extension area currently comprises improved grassland. Measures would be taken to minimise impact on nearby hedgerows, and the proposed restoration work would include the establishment of calcareous grassland, open standing water, rough grassland, scrub, woodland and additional hedgerows. It would also include measures to encourage colonisation and use of the area by new species. Various ponds and broad-leaved woodlands in the surrounding area have been identified as potential wildlife sites but would not be directly disturbed. None of the habitat features within the application area are of more than local conservation value. (Document 7)
47. Surveys have identified badgers in the area. However, no setts would be affected and any impact on foraging area would be limited. One potential bat roost site was recorded but no evidence of current use. During 2002 surveys of the nearby ponds found no evidence of amphibians; however, a further recent survey (Document 14) has found a small population of great crested newts in a pond about 150 metres from the application site. Good habitat conditions exist close to the pond, and there is no evidence of migratory newts towards the application site. Consequently, it is not considered that they would be affected by the proposed development. A number of common birds have been seen within the site but the affected land is not necessary for their continued presence. Overall, there are no significant nature conservation constraints to the proposals and, provided suitable mitigation and compensation measures were taken, the proposal would not conflict with biodiversity aims and policies. (Document 7)
48. Footpath 31, which runs along the southern boundary of the existing quarry, has been diverted in the past to accommodate the current quarry. The proposed development would require it to be diverted around the western and southern edges of the extension area. A formal application has been submitted to the Assembly, and no objections were received during the objection period. (Document 11.1)
49. There would be no adverse effects on surface water interests and only one potential impact on a licensed borehole, located at Fadre Farm some 500 metres to the west of the site. The potential effects would be monitored and mitigation measures introduced if appropriate. The farm also has a mains water supply. (Documents 11.1 & 18)

50. Noise, disturbance and blasting effects would be minimised and would be controlled within normally accepted standards. The closest sensitive property would be Dinorben Farm, and when quarry operations reached the southern end of the site the edge of the excavation would be some 130 metres away. This is less than the 200 metres buffer recommended in MTAN1. However, that guidance makes provision for reducing the distance where there are clear and justifiable reasons for doing so, such as ensuring a very limited impact by other means of control. The landraising area adjacent to Dinorben Farm would provide effective visual screening and noise control, and blasting vibration limits would also be adequately controlled. Consequently, there is no need to adopt the arbitrary 200 metres buffer, which would lead to unnecessary sterilisation of reserves. (Document 11.1)
51. Finally, the proposed development would not lead to any deterioration in local air quality. Mitigation measures would be included to minimise dust generation and nuisance, and there would be no increased health risk. (Section 11 of Document 7 & Document 11.1)

Benefits to Local Economy

52. The quarry provides direct and indirect benefits to the local economy. 21 people are employed directly at the site: 15 by Hanson and 6 by Tarmac. In addition 10 hauliers rely on the quarry to provide a reliable source of contract work, and employment is generated for other work such as machinery repair and maintenance, plant hire, earth moving, landscaping and other general work. From the Company's accounts it is estimated that in 2002 it contributed £1,467K to the local economy via wages, contractors, rates, royalties and other means. The comparable figure in 2003 was £1,159K. (Document 13.1)
53. Most of the quarry products are for local supply and use, and local builders, contractors and individuals would lose a convenient supply of limestone. The quarry has provided stone for many local construction projects and other uses, and is clearly the best and most convenient source. If the quarry were closed it would be a loss to the local economy. The proposed development would extend the life of the quarry by 30 years and ensure the continued supply of essential construction aggregates and materials for the area and the continuity of local direct and indirect employment. (Documents 13.1)
54. Employment is particularly important in the Conwy County Borough as unemployment levels are higher than the Welsh average and significantly worse than for the UK as a whole. A recent study by the Welsh Development Agency and Cardiff Business School shows the County Borough to have the lowest GDP in Wales and the lowest wage levels in the whole of the UK. A large proportion of jobs are in tourism and the service industries, and the number of people employed in manufacturing has declined considerably in the last 10-15 years. Many local communities in the County Borough are classed as deprived in material and social terms. The area can ill afford to lose this type of operation. (Section 13 of Document 7 & Document 19)

St Georges Quarry Market

55. The main market area for St Georges Quarry is within a 10 miles radius, which includes the coastal towns of Prestatyn, Rhyl and Colwyn Bay. Almost 30% of that market is supplied from St Georges Quarry, whilst almost 33% is provided by slate waste and construction and demolition waste. Annual output varies depending on the market but would be expected to remain in the region of 300-400,000 tonnes per annum. The customer base is diverse and includes large users, such as concrete and asphalt producers (including Hanson itself, which

has plants elsewhere, and Tarmac), a block manufacturer, and numerous national, regional and local civil engineering and building contractors, as well as builders merchants, agricultural lime merchants, local authorities and individual members of the public. The quarry supplied over 180 separate customers in both 2002 and 2003 (not including members of the public). 72% of these customers purchased less than 500 tonnes per annum, which is indicative of the local nature of the market. (Document 13.1)

56. Products include single size and blended aggregates and dust for use in concrete and asphalt production, large size bulk fills, general fills, rock armour, drainage medium and agricultural lime. High quality processed and screened aggregates and dust accounted for almost 70% of total sales in 2003. If the proposed extension were allowed, additional investment in processing equipment would be proposed, which would increase the proportion of primary single sized aggregates by about 10%. These products, along with high specification large sized fills and agricultural lime, which represent about 10-12% of sales, provide only limited scope for substitution by secondary aggregates. (Document 13.1)
57. In both 2002 and 2003 over 60% of St Georges Quarry sales were within the Conwy CBC area, with the majority of other sales being into adjoining counties. This is illustrated in Figures 1 and 2 in Mr Fitzgerald's evidence (Document 13.1). Apart from internal sales within Hanson itself, 98% of sales in 2002 were within 10 miles of the quarry; in 2003 the figure was 99%. The importance of the agricultural lime market should not be underestimated. Most local farming is based on grazing poor quality land, and there is a constant demand for agricultural lime. Hanson is the only producer of this type of agricultural lime in North Wales. The closest source of a comparable product is Buxton in Derbyshire.
58. Finally, Tarmac operates both a concrete-batching plant and an asphalt plant on land adjacent to the quarry. Over 60,000 tonnes per annum of high quality aggregate is supplied to these plants without the need for any transportation along the public highway. If St Georges Quarry were to close the plants would have to be supplied from further afield, probably from Tarmac's own quarry at Pant, near Halkyn. Taken as a whole, St Georges Quarry is clearly a vitally important source of limestone products in the local market. (Document 13.1)

Alternative Sources of Primary Aggregate (Document 13.1)

59. If permission were not granted for the proposed extension, the local market would be supplied from other quarries. Figure 3 in Document 13.1 shows the locations of other quarries in North Wales (NB St Georges Quarry is shown as "Abergele"). The nearest alternative supplies would be from Llanddulas and Raynes quarries, with Penmaenmawr further to the west, and to the east the line of quarries extending south from Halkyn into an Area of Outstanding Natural Beauty. As concluded in the Mineral Planning Authority's committee report (Section 3 of Document 11.3), each would be disadvantageous in some way when compared with continued supply of the local market from St Georges Quarry. The various factors are summarised as follows: longer journeys needed to reach the market; environmentally sensitive areas worked more extensively and with more heavy traffic on inappropriate roads; local communities put at greater risk of substantial disturbance; diversion of materials more suited to other purposes; consequent additional processing costs; and 5% more material required to substitute igneous rock for carboniferous rock in concrete production. (Document 23)

60. Llanddulas is the nearest quarry and has substantial planned reserves. It is currently being used as a commercial landfill site, and further limestone extraction would increase the void available for such use. However, it is adjacent to a housing estate at Llysfaen and has poor access to the A55 trunk road in comparison with St Georges. Raynes Quarry lies a short distance further to the west, and most of its output (approximately 800,000 tonnes per annum) is currently exported to the south-east and north-west of England by a combination of sea and road transport; it has its own loading jetty. The greatest impact of increased production and local delivery would be felt by nearby residential properties, particularly as a result of a three-fold increase in local HGV movements. In addition, the stone does not make a good quality agricultural lime and is not suited to the colour requirements of the local block manufacturer, PD Bricks.
61. Some 30 km (19 miles) to the west, Penmaenmawr Quarry supplies hard igneous rock, which is ideal as railway track ballast; at present 60% of the output is used for this purpose. It would be inefficient and wasteful to use such a high grade product as a replacement for limestone rock. Due to its physical characteristics of hardness and density it requires more energy to extract and process than limestone, and concrete production requires 5% additional weight to provide the same bulk. In addition, like any stone production, waste by-product material is produced, and an increase in the production of premium product would lead to an increase in the quantity of by-product. The quarry is already experiencing difficulty competing with subsidised slate waste for low quality applications, and stocks of by-products are increasing.
62. Denbigh Quarry is about 15 km (9 miles) to the south-east and would need to double its production to replace supplies lost at St Georges. Haulage distances would be considerably increased, and the local road network is not suited to increased HGV traffic. The quarry is also close to a settlement. The string of limestone quarries further to the east are between 25-40 km (15-25 miles) away from the St Georges market area. They lie either within or on the edge of the Clwydian Range Area of Outstanding Natural Beauty and have generally poor access to the main road network. Increased HGV traffic would cause nuisance and increased highway risk to communities along the rural routes concerned. In addition, some of these quarries provide only low quality stone, some are already operating at their maximum permitted levels, and some are nearing the end of their permitted reserves. A planning application to extend Burley Hill Quarry has been the subject of a recent unsuccessful appeal.
63. In all cases the environmental and economic costs of transport would be greater than that of continuing to operate St Georges Quarry. A similar conclusion was reached in section 6.2 of the Mineral Planning Authority's committee report (Section 3 of Document 11.3).

Secondary Aggregates

64. Full account has been taken of the possible use of slate waste and recycled construction and demolition materials in analysing the need for stone from St Georges Quarry, particularly in the local market. Recycled and secondary aggregates have an important part to play as a replacement for primary aggregates. However, for sound technical and environmental reasons they can never provide total substitution. Performance demands on aggregates lead to a hierarchy in quality, and the properties of recycled and secondary aggregates places them at the bottom of that hierarchy. In this rural area supplies of construction and demolition waste are limited and inevitably variable in quality. Consequently, its use is largely limited to bulk fill. (Document 12)

65. Slate waste has the greatest potential in North Wales on account of the extensive historical tips of waste material and the continuing production at a small number of slate quarries, particularly Blaenau Ffestiniog and Bethesda, which are typically 40 km (25 miles) from the Abergele market area. The primary asset of slate for its traditional tile use is its laminar nature. However, this is a major disadvantage in use as a construction aggregate. When it is crushed it breaks along its laminations and produces a flaky and elongated aggregate, which has several disadvantages. In comparison with limestone, which produces cubical chippings, slate has poorer load-spreading properties and tends to break down into an increased proportion of smaller particles and dust when worked or tipped into place. This makes it less suitable for use as large-sized fill and drainage material or as an aggregate in concrete and asphalt. It can also not replace the use of limestone from St Georges Quarry as rock armour or agricultural limestone. (Documents 12 & 13.1)
66. Applications for slate waste are constrained by its physical and mechanical properties. The tendency of slate waste to flake and degrade when worked makes its grade and performance unreliable in concrete and asphalt mixes. Its particle shape also requires an increase in bitumen for satisfactory coating and reduces its workability in concrete mixes such that increased water and cement content is needed. Slate does not meet current specifications for coated macadam and rolled asphalt or the flakiness index allowed in the appropriate British and European Standards for bituminous or concrete materials. Extensive research and trials are needed before increased slate use in these materials is likely to give satisfactory performance. (Document 12)
67. Some partial replacement of high grade materials in asphalt and concrete mixes is feasible if used in conjunction with an adequate proportion of high quality primary aggregate. Provided the primary aggregate is of high quality, up to 50% of the fine sand content in concrete can be replaced with slate dust and up to 20% of the coarse aggregate. However, the availability of a high quality primary aggregate is vital to opportunities for increased use of slate waste in these products. St Georges Quarry produces a high percentage of high quality stone and, if planning permission were granted, Hanson would invest in additional plant to increase the percentage of high quality aggregate produced even more. Viewed in this way, continued use of the St Georges Quarry would help to promote increased use of recycled and secondary aggregates by increasing the availability of high quality aggregate and reducing the quantity of waste materials produced in comparison with current operations. When considering the use of slate dust as an alternative to limestone dust it is also relevant that it does not occur naturally as part of the general process as in limestone production; additional processing and energy use is required to produce slate dust. (Documents 12 & 13.1)
68. Looking at the wider picture, Arup's recent report prepared for the North and South Wales Regional Aggregates Working Parties, "Improving the Information Base on Secondary Minerals/C&D Waste for Use as Aggregates in Wales", dated January 2004 (Section 6 in Document 13.2), estimates that about 21% of the North Wales demand for aggregates is currently being met from secondary and recycled sources. Arup further assesses the maximum potential as 52-58% in North Wales, based on 60-80% use in the Gwynedd, Conwy and Anglesey areas (where slate waste is more readily available and viable). However, it acknowledges that 50% is a more realistic target and that, even to achieve this, *"there are a whole range of difficult issues to address"* (page 112 of report). MTAN1 adopts a target of achieving 25% replacement use within 5 years, and North Wales is clearly already close to that target. (Document 13.1)

69. The Arup report acknowledges that replacement use of slate waste will principally be as a sub-base and general fill material and that it cannot replace all of the high quality uses of primary aggregates. At present about 70% of stone produced at St Georges Quarry is for high quality and specialist uses. In recent years the sales of lower quality materials have fallen, reflecting penetration of the market by slate waste. It is estimated that slate and C&D waste already (based on 2003 figures) meets 55% of the available secondary aggregates market in the St Georges Quarry area, which is close to the maximum likely to be achievable. St Georges Quarry only contributes some 9% to this market. Consequently, if permission were granted for continued operation, the quarry would have little impact on the potential for further market penetration by slate and C&D waste materials. (Document 13.1)
70. As has been explained above, slate waste is not a panacea for the general substitution of primary aggregates in all applications. The products are not interchangeable in uses requiring a high quality product. There are also disbenefits in using slate waste. It is noted that MTAN1 touches on several other relevant matters: (i) slate production itself is inherently unsustainable with 99% waste product; (ii) there are environmental issues associated with extracting slate waste from established tips due to ecological and cultural heritage interest in them; and (iii) the extensive road transport needed for slate waste is a substantial sustainability disbenefit. (Document 11.1)
71. Some of the comments of the North Wales Regional Aggregates Working Party (NWRAP) on the consultation draft version of MTAN1 (Section 5 of Document 13.2) are particularly relevant and reinforce many of the points already made. They expressed concern that:
- (i) *The increased use of secondary aggregates could have practical implications on the availability of high end-use products from those quarries working limestone and igneous rock;*
 - (ii) *The planning issues and environmental and financial costs of winning, processing and transporting large volumes of slate waste from north west Wales to the market have not been fully assessed;*
 - (iii) *The technical specification limitations of slate waste with regard to its ability to substitute for primary aggregate end-uses, particularly for concrete and coated road-stone, are, at the present time, significant;*
 - (iv) *The NWRAP is concerned about the impact of substituting significant levels of primary aggregates for use for fill or lower grade purposes, as this could result in unsold and discarded volumes of material accumulating in primary aggregate quarries, thereby possibly threatening the viability of some quarries;*
 - (v) *It could also put pressure on the practical and economic ability of some quarries to sustain production of quality aggregates for which slate waste cannot substitute, the demand for which will remain;*
 - (vi) *In summary, whilst the policy aspiration of making better overall use of resources, and, in so doing, reducing the demand for primary aggregate extraction is supported, the NWRAP recommends that the MTAN should be careful not to overstate the potential role of secondary and recycled material in satisfying aggregate demand. To do so would be to encourage an unrealistic belief that such resources can be relied on*

to meet aggregate supply, and thus encourage the rejection of primary aggregate applications which are otherwise acceptable.” (Document 11.1)

72. Hanson is supportive of the principle of reuse of waste materials and is itself involved in several such ventures. Approximately 6,000 tonnes per annum glass waste is being used at one of its asphalt plants on Anglesey. Some 200,000 tonnes per annum “spent” railway track ballast is being recycled at an operation at Crewe. And recycled asphalt plantings (some 20,000 tonnes per annum) are being used at an asphalt plant at Ashton in Makerfield. (Document 13.1)
73. In conclusion, there will remain a demand for high quality primary aggregate within the local market area, which can be met by supplies from St Georges Quarry. Significant substitution of slate or C&D waste is not an option. In consequence, an extension of St Georges Quarry is needed. (Document 12)

Landbank

74. One of the matters that undoubtedly influenced the National Assembly’s decision to call-in the planning application was the landbank situation for hard rock quarries in North Wales. That decision was made before Hanson entered into a Section 106 Agreement to relinquish workable reserves at Llanddulas Quarry. (Documents 11.1 & 23)
75. Llanddulas Quarry is owned by Hanson and, although currently in use for landfill, was an active quarry until quite recently and has real prospects of reactivation in due course. It benefits from a recent ROMP review of conditions and substantial reserves amounting to some 18 million tonnes. The Section 106 Agreement (Document 16) confirms that, in the event of planning permission being granted for the proposed extension of St Georges Quarry, Hanson covenant not to quarry and export any further limestone from Llanddulas Quarry. The reserves relinquished would be greater than those sought at St Georges Quarry and there would be a net reduction in the landbank. There would also be environmental benefits from this, as Llanddulas Quarry is located close to a housing estate and does not have as good access to the A55 trunk road as St Georges Quarry. The Mineral Planning Authority has considered the Section 106 Agreement at its committee meeting in May 2004. The planning officer’s report (Item 4 in Document 11.3) concluded that *“the principle of an agreement could overcome the regional need/capacity issue if it is in an acceptable form”* and recommended that the Council support the agreement *“so as to realise the more appropriate further development at St George Quarry”*. The recommendation was accepted by the committee and the Agreement has been concluded. (Document 11.1)
76. National policy and advice acknowledges that the aggregates industry needs an adequate, but not excessive, landbank in order to secure continuity of production in spite of fluctuations in demand. MTAN1 suggests that a minimum 10 years landbank is needed throughout the plan period for any development plan. It goes on to say that *“where landbanks already provide for more than 20 years of aggregate extraction, new allocations in development plans will not be necessary, and mineral planning authorities should consider whether there is justification for further extensions to existing sites or new extraction sites, as these should not be permitted save in rare and exceptional circumstances. This may be justified, for example, where supply of an aggregate of a particular specification is clearly demonstrated or where operators are prepared to unilaterally surrender the consents relating to existing permitted reserves through planning agreements or Prohibition Orders”*. (Document 11.1)

77. The most up to date calculation of landbank undertaken by the NWRAP indicated limestone landbanks at the end of 2002 of 30 years in Conwy and 33 years in North East Wales. If dormant sites are excluded the figure for North East Wales reduces to about 24 years. Therefore, “*rare and exceptional circumstances*” are needed if the proposal is to be in accord with the latest national policy. Using the same landbank data, the Council’s planning officer concluded that “*the need for the mineral has not been statistically demonstrated*” (committee report in Section 3 of Document 11.3). However, he considered it necessary to assess need/capacity in a more pragmatic way and concluded that alternative sources all suffered from various constraints. His final conclusion was that “*the extension of St George Quarry should not be refused on landbank/capacity grounds*”. That balance is even more favourable now that the Section 106 Agreement has been offered. (Document 11.1)
78. MPPW recognises that a significant proportion of reserves in North Wales is contained in inactive sites and that it may be necessary to approve new permissions in more acceptable locations in order to maintain an adequate landbank. MTAN1 follows this through by making allowance for exceptional circumstances. The current proposal is a prime example of such circumstances. There is clearly a need for the primary aggregate in the local market area, and it would cause less environmental harm and be more in line with principles of sustainable development for it to be supplied by allowing extension of St Georges Quarry. Furthermore, Hanson is prepared to unilaterally surrender a larger reserve at another quarry where extraction would have greater environmental impact than at St Georges Quarry and the net effect would be a reduction in the regional and sub-regional landbank. These circumstances are precisely those illustrated as amounting to “*rare and exceptional circumstances*” in MTAN1, and the proposal is entirely in line with the aims of that national policy.

Overall Policy Assessment

79. The proposal is in accord with both national and development plan policy. It meets the 5 key principles that form the basis for national policy in MPPW and MTAN1. The proposed quarry extension would provide a high quality aggregate, which cannot be substituted by recycled and secondary aggregates; the alternative supplies to the local market would not be sustainable in terms of environmental impact and distance to the market area. It would have no adverse effects on important areas of natural or built heritage. A detailed Environmental Impact Assessment has been carried out and concludes that the development would be possible without any unacceptable environmental impact, and this has been endorsed by the support of the Mineral Planning Authority and the statutory technical consultees; the suggested schedule of conditions would provide adequate control. The proposal includes a detailed restoration scheme, which would be implemented progressively and would enhance the nature conservation value of the site and support the aims of the local biodiversity action plan. Finally, as the quarry would be geared towards the production of high quality aggregate, it would not conflict with aims to maximise the use of secondary aggregates and C&D waste where they are appropriate. (Document 11.1)
80. The MPPW and MTAN1 approach aims towards sustainable development across a range of factors embracing landbank, mineral use, substitution materials, transportation and economic factors. The proposal is entirely at one with these aims. There is also no conflict with the strategy defined in MTAN1 for regional Environmental Capacity Assessment and subsequent Regional Technical Statements. The preparation of these over the next 2-3 years does not warrant any moratorium of granting planning permissions, especially where the proposal is so clearly in accord with the sustainability aims as this one. (Documents 11.1 & 23)

81. Provided suitable conditions were applied to control operations, there would be no material adverse environmental or amenity effects, which is very unusual for quarries of this sort. Society's needs for minerals would be met in a sustainable way, and there would be real benefits in terms of improved restoration of the existing quarry area. The proposal would be entirely in accord with adopted development plan policies, which aim to meet mineral requirements without unacceptable impact on the local environment and with benefits to the local economy. In addition, the emerging Unitary Development Plan (albeit only at consultation draft stage) makes specific provision for the extension of St Georges Quarry. (Documents 11.1 & 23)

Timing of Decision (Document 23)

82. It may be considered that a decision on the future of St Georges Quarry should be delayed pending completion of the strategic research advocated in MTAN1 on environmental capacity and sustainable locations. Such an approach would not be appropriate in this case for the following reasons. Firstly, the quarry is already close to exhaustion of its presently permitted reserves. If a decision were not made soon, then the quarry would have to close whether or not permission were eventually granted, causing disruption to local supplies, customers and employees. Peoples' livelihoods and the wellbeing of the local economy are at risk. Evidence has been presented to show how important the jobs and the economic benefits are, and this has been strongly supported by evidence presented on behalf of the Kinmel Estate. The quarry makes a major contribution towards the profitability of the Kinmel Estate, and the ability of the Estate to support limited investment in maintenance has an important influence on the character of the area and associated listed buildings.

83. Secondly, the aim of the planned research is to ensure that sustainability lies at the heart of future decision making. The evidence presented already shows how well the current proposal aligns with all relevant sustainability principles. Finally, the evidence as a whole has demonstrated regard to all the relevant considerations, and no significant harm has been identified. In summary, there is nothing to be gained by delaying the decision and everything to be lost in terms of economic and social benefits and a pattern of supply from the existing quarry that is positively supportive of sustainability principles.

84. In large measure the evidence presented at the inquiry has not been controversial and there have been no meaningful dispute on any issue. All consultees are satisfied with the approach proposed. In view of the clearly identified benefits and lack of harm planning permission should be granted subject to appropriate conditions. Hanson has tried to provide information on all matters identified by the National Assembly and has not knowingly omitted any relevant information. However, if any shortcoming is identified the Company would be anxious to have the opportunity to provide additional information on any aspect of the case. It would not wish the application to be refused due to lack of information.

Support from Kinmel Estate (Documents 3 and 20.2)

The material points are:

85. The land on which the present quarry and the proposed extension area stand is in the ownership of the Trustees of the Kinmel Estate. Document 20.2 was presented at the inquiry as a replacement for a letter previously submitted, dated 8 June 2004, which contains several minor errors. An earlier written submission, dated 4 February 2004, is also contained within Document 3 (the bundle of third party letters).

86. The Kinmel Estate extends to some 1200 hectares (3,000 acres) and comprises 8 let farms, 23 let cottages, 1 in-hand farm, 265 hectares (656 acres) of woodland, St Georges Quarry, the Tarmac batching plants and 120 hectares (300 acres) of parkland. It is a traditional country estate in family ownership, and the family members live on the estate. It is generally accepted that a resident landowner is more likely to manage his estate to the benefit of the local community and environment. He is more likely to invest in the estate and accept a lower return on capital, to re-invest for the longer-term benefit of the estate and the local community, to circulate money in the local community, to be concerned about the effects of his decisions on the local community and the local environment, and to look constantly to safeguard the amenity of the estate at large. In planning terms, this is the practical application of the principles of sustainable development.
87. The Estate supports the proposal to extend St Georges Quarry as proposed by Hanson and has reached agreement on them with the Company. The proposal would have minimal impact on the local environment, any changes taking place incrementally and slowly over many years, and would provide the opportunity to sustain continued limestone working and improve the final appearance of the quarry following restoration. The success of a country estate depends on diversification in order to secure an acceptable level of income, and the income from the quarry is vitally important to the finances of the Estate. In the year to 31 March 2003 the quarry income comprised nearly 20% of the total Estate turnover and 55% of the income surplus after management expenditure. Without the quarry income the Estate would have provided a financial return of less than 0.25% on an estimated capital value of £15 million.
88. Whilst the Estate's aim is not to maximise financial return on assets, a reasonable income is needed if it is to continue to maintain those assets. The income surplus enables the Estate to carry out much-needed maintenance work. Without it either the work would not be done or property would have to be sold to finance it. The various planning designations that affect the Estate are testament to the investment of previous owners in creating the landscape and amenity that exists today, and income from the quarry has played an important part in this. There are 29 listed buildings on the estate, of which 5 are Grade II*, and the Estate maintains these to a good standard.
89. The Estate provides a stock of good quality housing available for rent, and it is Estate policy that these are let to local families wherever possible. Although some are let at the market rate, most are let at reduced rates reflecting protected tenancies of one sort or another or tenants on housing benefit, and 2 cases are let rent free. Parts of the Estate are also made available for other community use, for example by the North Wales Constabulary for dog training, for the Flint and Denbigh Country Day, for horse riding, as a car park for the village hall and public house in St George village, for the school playing field and bonfire party and for an extension of the church yard. The Estate has also invested in various agricultural businesses. It makes a significant contribution to the local economy and in 2003 paid over £50,000 into the local community on wages and local contractors and materials suppliers.
90. If the quarry income were lost, it would be inevitable that the aims of the Estate management would change to try to increase its income from other sources and reduce its investment in the fabric. Subsidised activities would be likely to cease and the stock of affordable rented accommodation would be reduced, as cottages would have to be sold periodically to provide money for maintenance purposes. The best long-term interests of the Kinmel Estate, St George village and the local area in general would be served by securing the continued operation of St Georges Quarry.
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91. The National Assembly's statement explained that the new MTAN1 "*proposes a fundamental shift in the way the land use planning system makes provision for resources for construction aggregates*". The link between these national policies and the current proposal for the modest extension of a long established and successful local quarry is difficult to understand. The proposed development meets all of the 5 key principles in national policy on mineral development. It is expected that these would respect established locations for mineral workings and build on existing identified resources to achieve their aims. St Georges Quarry is a good example of such a resource.

Cases for Messrs Marshall, Edwards, and Slater

The material points are:

Mr Marshall

92. Mr Marshall lives in a 350 years old house in the middle of St George and is a member of the quarry liaison committee, which meets twice per year. This committee provides a formal relationship with the local community but there is also good informal access with the quarry manager.
93. The local community is not generally opposed to the principle of extension of the quarry; its main concern is the Council's ability to adequately control operations to avoid harm to amenity. At a recent liaison committee meeting the Council's officer admitted that there was a lack of resources to be fully effective, and the Council does not have a good track record in control of quarry operations. There is concern about noise and dust if more equipment is put into the quarry, about the effects of blasting, even though vibration monitoring (which is carried out at Mr Marshall's house) is well within prescribed limits, and about the larger void having an impact on the landscape. At present the quarry is seen as a blot on the landscape.
94. The site has good road transport links, and this aspect of the quarry only really affects residents of the houses at Bodtegwel Terrace, on the corner of Nant Ddu Road and St Asaph Road. Apart from this, the main effects of the extended quarry operations would be experienced by the tenants of Dinorben Farm and the owners of Fadre Farm.
95. Finally, looking to the longer-term, local people are doubtful about the planned completion of operations in 30 years time. There are concerns that operations could run longer, that a request may be made for a further extension of time, and even that a request may be made for ultimate use of the void as a landfill site. Employment would be generated in the short term but the claimed benefit of 15 jobs is not a large number.

Mr Edwards

96. Mr Edwards also lives in the middle of St George village, and his home is a Grade II listed building. Whilst any work on his house is subject to very strict control, the quarry operates only a short distance outside the conservation area. The proposal is for a huge hole to which objection is made on aesthetic grounds. Although not directly visible from the village, it would affect the environment for all local people and would have a generally detrimental impact. The long-term effects would be more important than any short-term economic gains. Visual impact would be significant for 30 years and, even after restoration, a permanent scar would remain.

97. The matters of concern specified by the National Assembly included the effects on local people. However, liaison with local people has been poor, and Hanson only carried out a belated public relations exercise in 2002. Such poor communications illustrates the Company's attitude towards local people. In order to be effective the quarry liaison committee should have the power to require regular updates on quarry operations. The Mineral Planning Authority is responsible for monitoring performance but would have little power if the proposed timetable were not adhered to. What assurances of restoration would there be if Hanson were to go out of business?

Mr Slater

98. Mr Slater lives at Bodtegwel in the group of houses just to the north of the quarry main entrance. Whilst quarry operations are theoretically monitored by the planning authority, environmental and health & safety officers, the results over the past few years have not been good enough. The quarry entrance used to be maintained as a pleasant feature with gardens but this has changed since Hanson took over. The entrance is now covered with dust picked up by lorries after passing through the vehicle wash area. This dust is also spread on the roads nearby, and cleaning with a brush is only carried out occasionally.

99. Dust is a problem for residents of the nearby houses. It gets into the houses, on to the hedges and plants, and makes it necessary for residents to clean their cars regularly. Complaints have been made to the quarry manager but he says that nothing can be done until the Company knows whether or not the proposed extension is to be allowed to go ahead. Hanson is a large company and should invest in improved facilities to prevent the spread of dust, including better vehicle washing facilities. The proposed quarry extension would result in large numbers of lorries passing in and out of the site, and the Company should make improved efforts to minimise its impact on the local area.

Written Representations

The material points are:

100. The Council's report to its planning committee on 12 February 2003 (Section 3 of Document 11.3), supplemented by an addendum report (Document 18), summarises the responses to its consultations and the representations received from local residents, quarry employees and other interested parties. 26 letters were received from local residents, 9 from employees at the quarry or related industries and 2 from other interested parties. 23 were recorded as objections and raising matters of concern, 3 as raising concerns without objecting, and 11 as supporting the proposed development. Two of the main issues raised were the need for a public meeting and extension of the period for consultation, and these were subsequently arranged by the Council. The main areas of concern were: vibration and perceived damage from blasting; dust; loss of habitat; hydrology; noise; traffic; and loss of agricultural land. The main comments in support were: provision of employment; operator's good record and small number of complaints; and the scheme's minimal impact.

101. During the run-up to the public inquiry the Planning Inspectorate received letters from 9 interested parties (bundle of letters in Document 3). Two were from Assembly Members (Brynle Williams, AM for North Wales, and Alun Pugh, AM for Clwyd West) urging an early decision on account of the jobs affected at the quarry and supporting the proposal because of its benefits for the local economy. Two local residents (Mrs Stead of St George and Mr Baxter of Bodtegwel Terrace) objected because of harmful effects on the landscape,

views from the surrounding land, effects on the tourism industry and the incidence of dust. Tarmac Central Limited, the operator of the concrete and asphalt plants, Ellis Plant Hire, a local haulage company, and Mr Hickman, an employee at the quarry, wrote in support of the proposal and commenting on the jobs at risk (both directly and indirectly) and the extra transport costs involved in bringing aggregate into the area from further afield if St Georges Quarry were to close. The final 2 letters were from the Environment Agency Wales and the Countryside Council for Wales advising that they had no further comments to make.

Section 106 Agreement

102. The applicant company and Conwy CBC have entered into a Planning Obligation by Agreement under Section 106 of the 1990 Act (Document 16). The copy included as a document with this report is unsigned but it is understood that the 2 parties have completed the necessary formalities.
103. The agreement would come into effect if planning permission were granted for the current proposal and the permission were implemented. The key paragraphs are 4.1.1 and 4.1.2, which read: *"No minerals shall be extracted from or relocated within Llanddulas except for the creation of void or fill or restoration material for use in landfill operations at Llanddulas that have planning permission"* and *"No minerals shall be exported removed shipped or transported from or beyond the quarry boundary identified edged red on Plan 2 at Llanddulas"*. The effect of the Agreement is that Hanson relinquishes its extant planning permission for the extraction of the reserves of limestone at Llanddulas Quarry other than in connection with the permitted landfill operations that are now taking place there. The benefits of this have been explained earlier.

Conditions

104. A discussion on possible conditions was held at the public inquiry. A draft set of conditions provisionally agreed between Hanson and Conwy CBC (Document 21) was used as the basis for the discussion. In addition, Hanson submitted suggestions for amendments to several conditions and offered an additional condition for consideration in connection with the proximity of the proposed extension to Dinorben Farm (Document 22). To avoid confusion the condition numbers referred to in the following paragraphs are based on those in the set of conditions provisionally agreed between the main parties, i.e. Document 21.
105. Condition 1 is not really a condition. However, the main parties agree that it would be helpful and is legally acceptable. Condition 2 specifies the statutory commencement period of 5 years. Condition 3 would ensure that operation of the quarry did not extend beyond 30 years. Condition 4 lists the submitted plans for the avoidance of doubt. The plans listed are inquiry Plans 5-18 (in Document 6), B1-B4 and C1-C2; Plans 1-4 are not included as they cover existing information and are unnecessary for ensuring proper implementation of the proposal. Conditions 5, 6 and 7 appear pedantic but would help the Mineral Planning Authority to monitor progress of the work.
106. Condition 8 specifies working hours, and Hanson has suggested it be modified to prevent work earlier than 0700 hours, as national guidance on acceptable levels of noise specifies lower levels before that time, as it is considered part of the "night-time period". This would not affect the operational hours of the concrete and asphalt plants, which are subject to control under other planning permissions. However, it would be a worthwhile improvement over existing quarry operations and would help to safeguard the amenity of nearby residents.

- Condition 9 would constrain permitted development rights to avoid unacceptable harm to visual amenity. Conditions 10 and 11 aim to control dust; however, an alternative condition suggested by Hanson (Document 22) for submission and approval of a more comprehensive dust suppression scheme would be preferred in order to address concerns expressed by local residents, subject to slight amendment to include provision for subsequent implementation.
107. Conditions 12 and 13 aim to control noise. The levels specified in Condition 13 are in accordance with advice in MTAN1, as 52 rather than 55 dB(A) is included because it is 10 dB(A) above measured background levels of 42 dB(A). However, the condition proposes that noise levels be monitored over periods of 30 minutes rather than one hour, as specified in MTAN1. The Council argues that high short-term noise levels could be masked by general inactivity over the rest of the period. However, MTAN1 no doubt allows for this, and I consider that periods of one hour should be adopted. Hanson has suggested a revised condition (Document 22), which would provide a generally lower maximum noise level of 48 dB(A)_{Leq, 1hour}, reverting to recommended maximum levels in respect of drilling operations and work on the landraising areas and bund for limited periods of time each year. This condition would be preferred.
108. Conditions 14-17 would provide control of blasting operations, though Condition 15 could be improved by also specifying a vibration level that should not be exceeded. This would be in accord with guidance in MTAN1 and would be acceptable to Hanson.
109. Conditions 18 and 19 cover soil stripping and the sequence of operations for each landraising operation. In each case, the areas closest to Dinorben and Fadre Farms would be constructed first and would provide screening of the remaining work. Conditions 20-30 aim to control ground preparation, planting operations, the waterbody, and reclamation of the landraising areas and bund for restoration work. The Management Scheme referred to in several of the conditions is that listed as Document 15. The plans referred to in Conditions 24A-24D are Plans 10-14 inclusive contained in Document 6. The wording of Condition 25 would need minor correction. It was agreed that Conditions 26 and 27 duplicate matters covered in Condition 20, are unnecessary and could be omitted. Similarly, Condition 29 is unnecessary as the legislation already contains adequate provision to deal with such circumstances should they arise, notably by means of a Suspension Notice.
110. Conditions 31-35 address hydrological and hydrogeological matters. It was agreed that it would be better to replace Conditions 31-33 with a single amended condition suggested by Hanson (Document 22). The levels referred to in Condition 34 are the water table level found in the exploratory borehole and the proposed level of the deepest quarry bench. Condition 36 aims to avoid surface water running on to the public highway but a more effective form of wording was proposed by Hanson (Document 22) and agreed at the inquiry. Conditions 37-39 would ensure an appropriate archaeological investigation of the site, though it was agreed that Conditions 37 and 39 would be better combined.
111. Finally, Condition 40 was proposed to draw attention to the fact that conditions on several existing planning permissions would continue to apply. Whilst this is undoubtedly so, it would be unwise to specify them in this way in case any were overlooked. This could lead to legal disputes. In any case, the condition is unnecessary and should be omitted.

112. Two other possible conditions were suggested at the inquiry. The first was put forward by Hanson (see Document 22) and would have the effect of reducing the extent of quarrying activities near Dinorben Farm at the southern end of the extension site. It would prevent quarrying any closer than 200 metres from the farm and provide a wider buffer than currently proposed. Whilst the Company considers that measures to control the impact of quarrying operations would be adequate to avoid the need for such a condition, it has put it forward on a “without prejudice “ basis should the Assembly consider that better protection to the amenity of the occupants of the farm would be needed.
113. The second was that the height of material stockpiles in the processing plant area be limited to avoid significant visual impact, though no particular height was suggested. Local residents reported that the height of stockpiles had been unusually high recently. However, any stockpiles are seen against the context of the plant area, would be subject to the same space constraints as at present, and the Environmental Impact Assessment did not identify any unacceptable visual impact. Hanson are opposed to the introduction of such a condition as it would limit operational flexibility.

Appraisal and Conclusions

National Policy

114. Minerals Planning Policy Wales (MPPW) and Minerals Technical Advice Note MTAN (Wales) 1, Aggregates, provide up to date national policy for minerals development in Wales. The thrust of the policy is to achieve sustainable development by balancing several conflicting objectives: social progress that recognises the needs of everyone; effective protection of the environment; prudent use of natural resources; and the maintenance of high and stable levels of economic growth and employment. MPPW identifies 5 key principles to be taken into account in development control; these are to:

- provide mineral resources to meet society's needs and to safeguard resources from sterilisation;
- protect areas of importance to natural or built heritage;
- limit the environmental impact of mineral extraction;
- achieve high standard restoration and beneficial after-use; and
- encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials. [19, 20]

115. Whilst all of these are important, the National Assembly's Rule 6 Statement (stating matters on which it particularly wished to be informed) identified the first and fifth principles as being particularly significant in relation to this proposal. MTAN1 provides more detailed advice on national policy, including the need to gradually change the pattern of supply to reflect the principles of sustainability, to reduce the excessive hard rock landbank in North Wales to between 10 and 20 years, and to change the pattern of aggregates use through the increased use of secondary and recycled materials. [25, 26]

116. National policy also provides advice on environmental matters to be considered and on the availability of slate waste and construction and demolition (C&D) waste in this area for use as alternatives to primary aggregates. It sets the objective of increasing the proportion of secondary and recycled materials used to at least 25% of total aggregates supply within 5 years. It is against this framework of national policies (as well as development plan policies) that the proposal is to be considered. [25, 27-29]

Main Considerations

117. In its Rule 6 Statement of matters on which it particularly wished to be informed the National Assembly identified 4 broad areas: national policies for a sustainable pattern of mineral extraction and use, with particular reference to MPPW and MTAN1; regional issues, particularly in regard to need, alternative sources and the landbank position; local issues, including environmental, amenity and economic impacts; and development plan policies. No other material points have been raised by other parties. Taking into account these indications, in my view the main considerations in this application are: the need for the mineral; the availability of alternative sources and suitable alternative secondary and recycled materials; the regional landbank position; the environmental impact (in its widest sense); and the impact

on the local economy. All of these contribute towards an appreciation of the sustainability of the proposed development.

Local Policies

118. Section 54A of the Town and Country Planning Act 1990 (as amended) requires that, where an adopted or approved development plan contains relevant policies, an application for planning permission shall be determined in accordance with the plan, unless material considerations indicate otherwise. In this case the development plan comprises the Clwyd Structure Plan (Conwy Version) and the Colwyn Borough Local Plan, both adopted in 1999. Structure Plan Policy MIN11 covers most of the considerations listed above. It says that minerals proposals will be assessed in relation to:

“A – The contribution it makes to meeting local, regional or national requirements including whether or not the mineral is of a quality and composition not otherwise available;

B – Its impact on the quality of the local environment, particularly in terms of whether unacceptable damage or loss of amenity would occur; and

C – The benefits accruing to the local economy.” [30]

119. Other Structure and Local Plan policies cover more detailed matters, including: the provision of adequate controls for regulation of the development; the provision of natural restoration schemes where land is not required for agriculture; the maintenance of a landbank in accord with national policy; the provision of environmental protection measures; the protection of archaeological and historic interest features; and the minimisation of travel. The Local Plan identifies Kimmel Park as an historic landscape and garden and St George Village as a conservation area. It also designates the whole of the rural hinterland of Colwyn, including the application site, as a special landscape area, though it is not currently proposed to carry this designation through into the emerging Unitary Development Plan. [31-35]

120. The latter has only reached the consultation draft stage so far and so warrants limited weight. However, it proposes to designate a more limited area of landscape value, which would not include the application site, instead of the current special landscape area. It also specifically identifies the proposed extension of St Georges Quarry for future minerals development. The proposal has to be assessed against the development plan and other material local policies. [35, 36]

Need for Material

121. The first matter to be considered is the need for the mineral supplied from St Georges Quarry. The present quarry produces a range of products including aggregates and dust for concrete and asphalt production, large-size bulk fills, general fills, rock armour, drainage medium and agricultural lime. Over 80% of its turnover is in high quality or specialist products, which provide only limited scope for substitution by secondary aggregates. Its annual output is approximately 300-400,000 tonnes per annum, of which some 60,000 tonnes per year is supplied to the on-site concrete and asphalt plants, which are subject to separate planning permissions. If the quarry were to close these plants would be supplied from other quarries, which would involve considerable additional road transportation. [55, 56, 58]

122. Unlike many other quarries, most of the market area for St Georges Quarry is within a 10 miles radius. Apart from internal sales within Hanson itself, over the past 2 years 98-99% of sales have been within a 10 mile radius. Within that market area it supplies almost a third of the demand, whilst a further third is provided by slate waste and C&D waste. Its customer base is diverse and varied. It typically supplies over 180 different customers each year, over 70% of which purchase relatively small quantities. None of this factual evidence has been disputed, and several third parties have commented on the importance of the quarry as a supplier to the local market. It is clearly an extremely important source of limestone products in the local area. If it were to close, alternative supplies would involve greater transport costs and less convenience for local customers. **I conclude that there is an important need for its products in the local area.** [55, 57, 91, 101]

Alternative Sources

123. If permission were not granted for the proposed extension, the local market could be supplied from other quarries. However, all of these would involve additional environmental and economic costs due to transportation over greater distances. In addition, some would involve greater impacts on local amenity due to their close proximity to sensitive properties (such as housing areas), some would increase risks to road safety on account of more difficult access to the main road network, some would involve impacts on environmentally sensitive areas, and some would be problematic for technical reasons. The report presented to the Mineral Planning Authority reached a similar conclusion, and it has not been disputed. [59, 63]

124. The nearest quarries are Llanddulas (not currently operating and offered for surrender by Hanson) and Raynes, a few miles to the west. These are close to housing areas, and increased operational activity and transport would detract from amenity and road safety. The next quarry to the west is at Penmaenmawr some 30 km (19 miles) away. In addition to increased transport, that quarry produces igneous rock, which is much harder than limestone and is better suited to other uses. Its use as a replacement for limestone would be an inefficient use of resources. The nearest quarries to the east are at Denbigh some 15 km (9 miles) away, which would have to double its production, and the string of quarries extending southwards from Halkyn into the Clwydian Range Area of Outstanding Natural Beauty. They are between 25-40 km (15-25 miles) away, and generally have problems with poor access, aggregate quality, limited reserves and environmental impact. [59-62]

125. The factual evidence and assessments submitted for these alternative quarries has not been disputed and, so far as Llanddulas and Raynes are concerned, were confirmed by my site visits. **I conclude that the alternative sources of primary aggregates would represent a less sustainable option than extension of St Georges Quarry** for the various reasons outlined above and, not least, on the proximity principle due to their distances from the local market area served by St Georges Quarry. [7, 62, 63]

Alternative Materials

126. Turning to consider the opportunities available for substitution by secondary and recycled materials I consider, first, the suitability of slate waste and construction & demolition (C&D) waste to replace the materials produced at St Georges Quarry and, second, the general situation of market penetration by these products into the local market.

127. Whilst the extent may be open to question, there is no dispute that applications for waste materials in place of primary aggregates are constrained by their physical and mechanical properties. The elongated shape of slate particles and their tendency to flake and degrade when worked makes them unsuitable and unreliable for extensive use in concrete and asphalt mixes. A limited percentage can be substituted, particularly for the sand content, but only if a high quality aggregate is the main ingredient. These limitations on the use of slate waste are recognised by Arup in its recent report, “Improving the Information Base on Secondary/C&D Waste for Use as Aggregates in Wales”, prepared for the North and South Wales Regional Aggregates Working Parties; it acknowledges that replacement use of slate waste will principally be as a sub-base and general fill material. The unreliable nature and quality of C&D waste similarly limits its applications. [64-69]
128. A large proportion of the aggregate produced at St Georges Quarry is high quality material, and opportunities for replacement by slate waste are limited. It is estimated that slate and C&D waste already meets 55% of the available secondary aggregates market in the St Georges local market area, which is close to the maximum achievable level. St Georges Quarry contributes only some 9% to this market. Messrs Arup advocates a realistic long-term target for secondary and recycled products of 50% of the total aggregates market. MTAN1 adopts a target of 25% within 5 years. The present overall achievement in North Wales is about 21%. [56, 67-69]
129. It is inevitable that some poor quality material will be produced at any quarry even if its primary product is of a high quality, and that “waste” material has to be disposed of in competition with slate and C&D waste for less demanding uses. If it is not, then stockpiles will occur and the viability of the quarry will be less secure, even though there is a need for the high quality and specialist products. Taking all of these factors into account, I conclude that the need for high quality stone from St Georges Quarry would not materially detract from the general objective of promoting increased use of secondary and recycled materials. [61, 71]
130. When considering the desirability of replacing primary aggregates with slate waste, matters of long transportation distances, additional processing costs (and energy usage) and outstanding questions about the performance of slate in some of the applications should also be taken into account. These reinforce **my conclusions that the proposed development would not significantly affect the use of slate and C&D waste in this part of Wales and that there remains a need for the high quality aggregate produced at St Georges Quarry.** [70, 71]

Landbank

131. The final element of the assessment of need is consideration of the landbank position in the region. At the end of 2002 the North Wales RAWP calculated that the limestone landbank in Conwy was 30 years and some 33 years in North East Wales. Even if dormant sites are excluded the figure for North East Wales is 24 years, which is excessive and unnecessary. MTAN1 advises that, where landbanks provide more than 20 years supply, further extensions to existing sites or new extraction sites should not be permitted “*save in rare and exceptional circumstances*”. It then explains what might be considered “*rare and exceptional circumstances*”, and one example is where an operator is prepared to unilaterally surrender consents relating to existing permitted reserves through planning agreements. That is the situation in this case. [76, 77]

132. Hanson owns Llanddulas Quarry, which was an active quarry until quite recently and has real prospects of reactivation in due course. It benefits from a recent ROMP review of conditions and has substantial reserves amounting to some 18 million tonnes of limestone, considerably more than the reserves that would be made available by the proposed extension of St Georges Quarry (14.8 million tonnes). Hanson has entered into an Agreement with the minerals planning authority to relinquish the permitted reserves at Llanddulas Quarry if permission were granted for the proposed extension at St Georges Quarry. This would effect a net reduction in the hard rock landbank of some 3.2 million tonnes and would meet the policy requirement of MTAN1 for “*rare and exceptional circumstances*”. It would also have environmental and highway safety benefits, as Llanddulas Quarry is located close to a housing estate and has a less effective access to the main road network than St Georges Quarry. **I conclude that the proposed scheme would result in a reduction in the North East Wales landbank and would meet the policy requirements of MTAN1 in that respect.** [15, 60, 75, 78]

Environmental Impact

133. Turning now to consider the environmental impact of the proposal, the application was accompanied by a detailed Environmental Impact Assessment prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and I have taken these into consideration in my assessment of the scheme. This has been supplemented by additional information requested by both the Mineral Planning Authority and the National Assembly, and there are no outstanding queries. None of the statutory consultees have raised objections, including the Environment Agency Wales, the Countryside Council for Wales, the Council for the Protection of Rural Wales and the local town and community councils. They are satisfied that all environmental matters would be adequately protected by appropriate conditions. [2, 37, 39]

134. There has been only limited objection from local residents, and most concern has been expressed about the ability of the Mineral Planning Authority to administer any conditions attached to a grant of planning permission to control quarry operations rather than to the principle of the proposed quarry extension. The only objection in principle expressed at the inquiry was in connection with landscape and visual impact and the effect that it might have on tourism in the area. [93, 96, 98, 100, 101]

135. The conclusions reached in the Environmental Impact Assessment and accepted by the statutory consultees may be summarised as follows:

- the long-term landscape impact would be generally beneficial due to the proposed progressive restoration scheme, which would include improvements to the existing quarry site, diversify the present agricultural landscape and restore habitats lost to other land uses; [40, 41, 45]
- the extension site is visually generally well contained by topography and woodland, and views of operations from other directions would be largely screened by the landraising areas and bund, though there would be an adverse effect on views from higher ground on Moelfre Isaf and several scattered houses to the south; [42]
- the design of the development would substantially minimise the visual effect of the operations; [43]

- the scheme would have no effect on the settings of Kinmel Park or St George Conservation Area and, although visible from Dinorben and Fadre Farms, no material adverse effect on the settings of the listed buildings; [44]
- there are no significant nature conservation constraints or conflicts with biodiversity aims; [46, 47]
- adverse effects on surface and ground waters would not be expected but, as a precaution, monitoring and possible mitigation measures could be adequately covered by suitable planning conditions; [49]
- noise, disturbance, blasting and effects on air quality could be adequately controlled by means of suitable operational practices and planning conditions; [50, 51]
- the diversion of a public footpath would have negligible effect on public amenity. [48]

136. Nothing I heard at the public inquiry or saw in written submissions or during my site visit lead me to disagree with any of these assessments. **I conclude that, provided suitable conditions were attached to any grant of planning permission, the proposed development would not have any unacceptable adverse effect on the environment.**

Benefits to Local Economy

137. Finally, I consider the benefits of the quarry to the local economy. If St Georges Quarry were to close some 15-20 jobs would be lost on the site and more would be put at risk with local hauliers and service companies. In 2002 Hanson contributed almost £1.5 million to the local economy in wages, rates, royalties and payments to contractors and others. In 2003 the figure was some £1.2 million. If the proposed extension were not allowed these jobs and financial contribution towards the local economy would be lost. The area has high unemployment levels and relatively low wage levels and can ill afford to lose this type of operation. [52-54]

138. Particular support has been provided by the Kinmel Estate. The Estate owns the proposed extension site and the land on which the quarry currently operates and has explained how the loss of income from quarry royalties would significantly affect the viability of the Estate and the way that it would operate, including its ability to maintain its listed buildings. It argues that the best long-term interests of the Kinmel Estate, St George village and the local area in general would be served by securing continued operation of St Georges Quarry. Very few voices (or pens) have been raised against this view and several others have written in support. I have heard nothing to make me disagree, and **I conclude that the proposed quarry extension would bring real benefits to the local economy and, indirectly, to the character and wellbeing of the area.** [82, 85-91, 100, 101]

139. The Applicant Company, 2 Assembly Members and several other parties have emphasised the need for the decision on the current application to be made as quickly as possible. Workable reserves in the present quarry will be exhausted within just a few months, and an early decision would avoid unnecessary disruption both to the pattern of local supplies of aggregate and to the quarry employees. I was asked to draw this to the National Assembly's attention.

Overall Conclusion

140. In reaching my conclusions I have taken into account the relevant development plan and national policies, the Environmental Impact Assessment and the requirements of Section 54A of the 1990 Act. **I conclude that the proposed development would bring significant benefits to the local economy and would be in complete accord with development plan policies and, provided suitable conditions were applied, the limited effects on the environment and the amenity of local residents would be far outweighed by the benefits.**
141. **I also conclude that the proposed development would be in accord with national policy and would support the 5 key principles for sustainable minerals development that form the basis of national policies in MPPW and MTAN1. Extension of St Georges Quarry would be a more sustainable option than the supply of aggregates into the area from other quarries and would not materially harm the National Assembly for Wales's long-term policy of maximising the use of secondary and recycled materials as substitutes for primary aggregates. It would also support the objective of reducing the hard rock landbank in North Wales towards a level more in line with the principles of sustainable mineral development.**
142. I consider that the conditions included as an annex to this report would adequately safeguard and mitigate all matters of environmental and amenity protection and provide sufficient means for control of the proposed development by the mineral planning authority. All of the conditions listed as numbers 1-32 meet the tests prescribed in Welsh Office Circular 35/95, The Use of Conditions in Planning Permissions. However, I do not consider that either of the suggested additional conditions (providing a wider buffer zone at Dinorben Farm and limiting the height of material stockpiles in the processing plant area) would be necessary. Nevertheless, I have included the first of these in the annex should the National Assembly consider it to be necessary. [50, 104-111]

Recommendation

143. I recommend that planning permission be granted subject to conditions 1-32 as detailed in the annex to this report.

Clive Nield

APPEARANCES

FOR THE APPLICANT:

Mr Martin Kingstone QC	Instructed by Pinsents, 1 Park Row, Leeds, LS1 5AB.
He called:	
Mr Graham Jenkins, BA (Hon), MRTPI, MIQ	Director, WynThomasGordonLewis Limited, 21 Park Place, Cardiff, CF10 3DQ.
Mr Chris Curtis, MBE	Former Head of Product Development (retired March 2004), Hanson Aggregates.
Mr William Fitzgerald, BA(Hon), DipM (CIM), DipMS, MIHT	Trading Manager for Hanson Aggregates in North West and North Wales area.

INTERESTED PERSONS:

Mr Michael Verity, MA, MRICS, FAAV	Partner, Strutt & Parker, Property Consultants, 19 Grosvenor Street, Chester, CH1 2DD (acting on behalf of the Trustees of the Kinmel Estate).
Mr Gordon Marshall	Ty Croes, St George, Abergele, LL22 9BP.
Mr Michael Edwards	4 Church Street, St George, Abergele, LL22 9BS.
Mr Peter Slater	9 Nant Ddu, Bodtegwel, St George, Abergele, LL22 9BG.

DOCUMENTS

Documents	1.1-1.2	Lists of persons present at the inquiry.
Document	2	Letter of Notification and list of persons notified.
Document	3	Bundle of letters submitted by third parties.
Document	4	Matters on which the National Assembly for Wales wishes to be informed, issued under cover of letter dated 15 December 2003 (taken as the Assembly's statement under Rule 6(12) of the Town and Country Planning (Inquiries Procedure)(Wales) Rules 2003).

Documents	5.1-5.2	Statement of Common Ground.
Document	6	Planning Application folder.
Document	7	Environmental Impact Assessment folder.
Documents	8.1-8.4	Supplementary letters to Welsh Assembly, dated 7 July 2003, 19 September 2003 and 2 December 2003, responding to queries on the Environmental Statement, and 22 January 2004, enclosing application to stop-up/divert footpath.
Document	9	List of appearances on behalf of Applicant.
Document	10	Opening submissions on behalf of Applicant.
Documents	11.1-11.3	Mr Jenkins' statement of evidence, summary and submitted documents.
Document	12	Mr Curtis' statement of evidence.
Documents	13.1-13.2	Mr Fitzgerald's statement of evidence and submitted documents.
Document	14	Letter of 18 June 2004 from Humphries Rowell Associates, submitted by Applicant.
Document	15	Management scheme for restoration aftercare, submitted by Applicant.
Document	16	Section 106 Planning Obligation by Agreement, submitted by Applicant.
Document	17	Extract from Consultation Draft of emerging Conwy CBC Unitary Development Plan.
Document	18	Addendum to Council's committee report of 12 February 2003, submitted by Applicant.
Document	19	"Conwy in Figures" pamphlet, submitted by Applicant.
Documents	20.1-20.2	Evidence presented by Mr Verity, including letter of 22 June 2004 as an amended version of the earlier letter of 8 June 2004.
Document	21	Draft conditions provisionally agreed between the Applicant and the Council.
Document	22	Several amended or additional conditions suggested by the Applicant at the inquiry.
Document	23	Closing submission on behalf of Applicant.

PLANS

Plans	1-18	Plans contained in Planning Application folder (Document 6).
Plans	A1-A2	Larger scale versions of Plans 16 and 17 (A121/20 & A121/21).
Plans	B1-B4	Additional application plans, showing proposed landraising levels (Plans A121/45, 46, 47 & 48).
Plans	C1-C2	Additional application plans, showing proposed restoration levels (Plans A121/49 & 50).
Plan	D	Proposal Map 3 from Colwyn Borough Local Plan.

ANNEX - RECOMMENDED CONDITIONS (WITH REASONS)

Interpretation

1. In this schedule of conditions:

“Ancillary Mining Land”:	means the area annotated as “processing plant area” on Approved Drawing No. A121/14, but excluding the areas annotated as “Tarmac lease area” on Approved Drawing No. A121/12.
“Application Site”:	means the area edged red on Drawing No. A121/12.
“Approved Drawings”:	relate to the drawings identified in condition (4).
“Approved Restoration Scheme”:	means the restoration details (including planting proposals) specified in Approved Drawings numbered A121/14, A121/15, A121/16, A121/17, A121/18, A121/49 and A121/50 and in page nos. 38 – 42 (inclusive) of the submitted application document except as otherwise required or amplified by this schedule of conditions
“Bund”	means the land along the north-west boundary of the extension area, shown with brown vertical hatching on Approved Drawing No. A121/14.
“Dinorben Landraising Area”:	means the land to the north of the dwelling at Dinorben Farm, shown with brown vertical hatching on Approved Drawing No. A121/14.
“Extension Area”:	means the area annotated as “extraction area” on Approved Drawing No. A121/13.
“Landraising Areas”:	means both the Dinorben Landraising Area and the Western Landraising Area referred to jointly.
“Management Scheme”	means the scheme submitted to the mineral planning authority on 14 th June 2004 in respect of aftercare/management of the areas restored under the Approved Restoration
“Phase”:	means each numbered phase for the sequential working of the quarry shown on Approved Drawing Nos. A121/14 – A121/17.
“Planting Season”:	means the period between 1 st November and 31 st March of the following year.
“Substantial Completion”:	means when the extraction of permitted mineral reserves has reached the point when there are no longer any reasonable prospects of their future working.
“Waterbody”:	means the proposed water feature in the area coloured blue on Approved Drawing No. A121/17.
“Western Landraising Area”:	means the land to the west of the extension area, shown with pink vertical hatching on Approved Drawing No. A121/14.

Reason: For the avoidance of doubt.

Commencement of the Development

2. The development within the Extension Area shall commence within 5 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Completion of the Development

3. The development hereby permitted shall cease by 31st December 2035, except for any outstanding restoration or aftercare requirements of this permission.

Reason: To ensure that the land is restored to a reasonable amenity standard when the anticipated lifespan of the quarry is complete.

Compliance with Plans

4. The development hereby permitted shall be carried out strictly in accordance with the submitted plans, details and particulars listed below, and such other details as may be subsequently approved in writing by the mineral planning authority, pursuant to this schedule of conditions, unless otherwise approved in writing by the mineral planning authority.

Drawing No:	Drawing Title	Date Received by Mineral Planning Authority
A121/24	Location Plan for Geological Cross Sections A –C	11 October 2002
A121/25	Geological Cross Sections A-C	11 October 2002
A121/26	Location Plan for Geological Cross Sections D-H	11 October 2002
A121/8	Geological Cross Sections D- H	11 October 2002
A121/13	Proposed Extension, Initial Establishment Phase	11 October 2002
A121/14	Proposed Extension Phase 1	11 October 2002
A121/15	Proposed Extension Phase 2	11 October 2002
A121/16	Proposed Extension Phase 3	11 October 2002
A121/17	Proposed Extension Phase 4	11 October 2002
A121/18	Working and Restoration, Restoration Concept Plan	11 October 2002
A121/43	Location Plan for Cross Sections A –C, Existing and Restored	11 October 2002
A121/20	Cross Sections A – A’	23 December 2002
A121/21	Cross Sections B - B’	23 December 2002
A121/22	Cross Sections C- C’	11 October 2002

A121/45	Location Plan for Cross Sections 1a – 3b	23 December 2002
A121/46	Cross Sections 1a-1a' and 1b –1b', Proposed North Eastern Landraising	23 December 2002
A121/47	Cross Sections 2a-2a' and 2b-2b', Proposed Western Landraising	23 December 2002
A121/48	Cross Section 3a-3a' and 3b-3b', Proposed Dinorben Landraising	23 December 2002
A121/49	Restoration Cross Sections	19 February 2003
A121/50	Restoration Cross Sections, Location Plan	19 February 2003

Reason: To ensure the satisfactory development of the site, and for the avoidance of doubt.

Pegging of Boundaries

5. Soil stripping on each Phase or the operational development on each Landraising Area shall not commence until the boundaries of the respective Phase or Landraising Area have been pegged out and have been inspected and approved in writing by the mineral planning authority. The pegs shall remain *in situ* until the completion of those operations.

Reason: To ensure that the development is carried out in accordance with the submitted plans.

Prior Notification

6. The operator shall give written notice to the mineral planning authority at least 14 days before the commencement of:
 - i) Soil stripping (on each Phase, Landraising Area and Bund);
 - ii) Mineral extraction (on each Phase);
 - iii) Construction of each Landraising Area and Bund;
 - iv) Restoration (of each Landraising Area and Bund);
 - v) Planting (during each Planting Season); and
 - vi) Reinstatement of each Landraising Area.

Reason: To assist the mineral planning authority in monitoring compliance with conditions.

Notice of Completion

7. The operator shall give written notification to the mineral planning authority within 14 days of the Substantial Completion of:
 - i) Soil stripping (on each Phase, Landraising Area and Bund);
 - ii) Mineral extraction (on each Phase);
 - iii) Construction of each Landraising Area and Bund;

- iv) Restoration (of each Landraising Area and Bund);
- v) Reinstatement of each Landscaping Area;
- vi) Construction of the Waterbody.

Reason: To assist the mineral planning authority in monitoring compliance with these conditions.

Working Hours

8. Except in the case of emergencies affecting safety, or unless otherwise agreed in writing beforehand by the mineral planning authority:
- I. Blasting operations shall only be carried out between 1000 hours and 1600 hours Monday to Friday inclusive. There shall be no blasting on Saturdays, Sundays and Public Holidays.
 - II. Drilling operations shall only be carried out between:
0730 hours and 1730 hours Monday to Friday inclusive, and
0730 hours and 1200 hours Saturdays.
There shall be no drilling on Sundays and Public Holidays.
 - III. Plant maintenance work in the Application Site and Ancillary Mining Land shall only be carried out between:
0700 hours and 1900 hours Monday to Friday inclusive,
0700 hours and 1600 hours Saturdays, and
0700 hours and 1600 hours Sundays
and not at all on Public Holidays.
 - IV. The haulage of limestone from the Application Site or Ancillary Mining Land shall only be carried out between:
0700 hours and 1800 hours Monday to Friday inclusive, and
0700 and 1300 hours on Saturdays
and not at all on Sundays and Public Holidays.
 - V. All operations within the Dinorben Landraising Area shall only be carried out between 0800 and 1700 hours Monday to Friday inclusive. No such operations shall be carried out on Saturdays, Sundays or Public Holidays.
 - VI. All operations, (other than those specified in I – V above), shall only be carried out between 0700 hours and 1800 hours Monday to Friday inclusive and 0700 hours and 1300 hours on Saturdays. No such operations shall be carried out on Sundays or Public Holidays.

Reason: In the interests of residential amenity and the amenity of visitors to the countryside.

Permitted Development Rights

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, fixed plant, fixed machinery, crushers or lagoon areas shall be erected, altered or replaced on any part of the Application Site or Ancillary Mining Land without the prior written approval of the mineral planning authority.

Reason: To protect residential and visual amenity.

Dust

10. Within 6 months of the date of this permission a scheme for dust suppression within the Application Site and Ancillary Mining Land shall be submitted to and approved in writing by the mineral planning authority. The scheme shall include provision for dust monitoring, remediation measures and a timetable for implementation. The scheme shall be implemented as approved.

Reason: In the interests of amenity.

Noise Best Practice

11. The best practical means shall be employed at all times to minimise the emission of noise arising from the development hereby permitted.

Reason: In the interests of amenity.

Noise Limits

12. Without prejudice to the generality of condition (11), noise levels shall not exceed $48\text{dB(A)}_{\text{Leq, 1hour}}$ when measured free field 3.0m from the façade of any noise sensitive property, except:

- a) during drilling operations, which shall not take place for more than 8 weeks (48 operational days) in any 12 months period, when noise levels shall not exceed $52\text{dB(A)}_{\text{Leq, 1hour}}$;
- b) during the construction and reinstatement of the Dinorben Landraising Area and Western Landraising Area and Bund and soil stripping operations, which similarly shall not take place for more than 8 weeks (48 operational days) in any 12 months period, when noise levels shall not exceed $67\text{dB(A)}_{\text{Leq, 1hour}}$; and
- c) as may otherwise be approved in writing by the mineral planning authority,

Measures taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Reason: In the interests of amenity.

Blasting Best Practice

13. The best practical means shall be employed at all times to minimise ground vibration and air overpressure from blasting operations.

Reason: In the interests of amenity.

Blasting Limits

14. Without prejudice to condition (13) above, ground vibration as a result of blasting operations shall not exceed a Peak Particle Velocity in any plane of 6 mm/second in 95% of all blasts measured over a 6 months period, and no individual blast shall exceed a Peak Particle Velocity of 10 mm/second in any plane, as measured at the nearest residential or other vibration sensitive property.

Reason: In the interests of amenity.

Blast Monitoring

15. (i) Unless otherwise previously agreed in writing by the mineral planning authority, every blasting operation shall be monitored.
- (ii) The monitoring shall record Peak Particle Velocity on the longitudinal, transverse and vertical planes, the frequency of the vibration in each plane, the resultant Peak Particle Velocity and Air Over-pressure.
- (iii) Monitoring shall take place at locations previously approved in writing by the mineral planning authority, and in the case of the Extension Area, shall include a site at the Dinorben Farm dwelling.
- (iv) The results of the monitoring under the terms of this condition and the details of blast design shall be made available for inspection by the mineral planning authority upon request.

Reason: In the interests of amenity.

Blast Design

16. Blast designs shall be calculated with the aid of regression line analysis determined from a logarithmic plot of Peak Particle Velocity against scaled distance. The regression line analysis shall be regularly updated using the blast monitoring information collected in accordance with condition (15) above. The regression lines shall be made available to the mineral planning authority upon request.

Reason: In the interests of amenity.

RESTORATION

Soil Stripping

17. The construction of the Landraising Areas and the Bund shall not be carried out until the existing topsoil and subsoil in each respective area has been stripped. The topsoil and subsoil shall be stored separately pending its use as cover material in the Landraising Areas and Bund and in due course be used in restoration works in the Application Site, with the subsoil overlying the overburden, and the topsoil overlying the subsoil. A layer of subsoil at least 300mm in depth shall be provided between the overburden and the surface topsoil layer. No turf or soil shall be removed from the Application Site.

Reason: To ensure that soil reserves are conserved.

Construction of Landraising Areas & Bund

18. The construction of each Landraising Area and the Bund shall be carried out in the following sequence:
- i) Dinorben Landraising Area – Commence at the south-west extremity and proceed in easterly and north-easterly directions;
 - ii) Western Landraising Area – Commence along the western boundary and proceed in an easterly direction;
 - iii) The Bund – Commence at the north-east end and proceed in a south-westerly direction.

Reason: In the interests of visual amenity and to ensure that working progresses away from nearby dwellings.

Timing of Planting and Restoration Works

19. Unless otherwise previously agreed in writing by the mineral planning authority, the planting and restoration scheme shall be carried out progressively within the timescales stated in page nos. 38 – 42 (inclusive) and Approved Drawing Nos. A121/14 – A121/18 (inclusive) of the planning application, and more specifically:
- i) The Landraising Areas shall be graded and restored as agricultural pasture within 9 months following the commencement of landraising operations in each respective area.
 - ii) The Bund along the north-western edge of the Extension Area shall be graded and restored as pasture within 9 months following the commencement of its construction, and the hedge shall be planted during the first Planting Season thereafter.

- iii) The hedgerows (other than as indicated in (ii) above) and the two woodland areas to the west of the Extension Area shall be planted during the first Planting Season following the commencement of soil stripping in Phase 1.
- iv) The Landraising Areas shall be reinstated to their original profiles and restored as agricultural pasture, and the final stage of the restoration, planting and seeding in the Extension Area shall be carried out within a timescale of:
 - a) 12 months following the Substantial Completion of mineral extraction, or
 - b) 30th September 2036;whichever is the sooner.

Reason: To ensure that restoration is carried out within a reasonable timescale.

Planting Density

20. Notwithstanding the planting density set out in section 7.2 of the application statement, the planting distances between the trees and shrubs shall not be as stated in the application, but shall be as follows:

Woodland trees (hawthorn, blackthorn and hazel):	1.5 metres
Woodland trees (other species):	2 metres
Hedgerow shrubs:	300mm
Hedgerow trees:	20 –30 metres

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In order to ensure satisfactory screening and habitat cover.

Root and Ground Preparation

21. The trees shall be dipped in Broadleaf P4 root dip immediately after their lifting at the nursery, and shall be retained in polythene bags, secured at the stems, until they are ready for planting. The depth of soil cover beneath the woodlands and hedgerows shall not be less than 350mm.

Reason: In order to ensure a reasonable prospect for the establishment of the restoration and planting.

Handling of Soil

22. The stripping, movement and grading of topsoil and subsoil shall only be carried out during dry conditions and when the topsoil is in a friable condition and the subsoil is sufficiently dry to withstand handling without smearing, unless the mineral planning authority agrees otherwise in writing in advance of soil movement.

Reason: To ensure that soil resources are conserved.

Implementation of Restoration Works

- 23(A) That part of the Approved Restoration Scheme shown on Approved Drawing A121/14 shall be completed by the end of the first planting season following the commencement of mineral extraction from Phase 2, unless previously approved in writing by the mineral planning authority, and shall be maintained/managed in accordance with the Approved Restoration Scheme and the Management Scheme for a period of 5 years from completion.
- 23(B) That part of the Approved Restoration Scheme shown on Approved Drawing A121/15 shall be completed by the end of the first planting season following the commencement of mineral extraction from Phase 3, unless previously approved in writing by the mineral planning authority, and shall be maintained/managed in accordance with the Approved Restoration Scheme and the Management Scheme for a period of 5 years from completion.
- 23(C) That part of the Approved Restoration Scheme shown on Approved Drawing A121/16 shall be completed by the end of the first planting season following the commencement of mineral extraction from Phase 4, unless previously approved in writing by the mineral planning authority, and shall be maintained/managed in accordance with the Approved Restoration Scheme and the Management Scheme for a period of 5 years from completion.
- 23(D) The Approved Restoration Scheme (including all land restoration and planting proposals shown on drawings A121/17 and A121/18) shall be completed within 12 months following the Substantial Completion of mineral extraction or by 31 March 2037, whichever shall be the sooner, and shall be maintained/managed in accordance with the Approved Restoration Scheme and the Management Scheme for a period of 5 years from the completion of the Approved Restoration Scheme.

Reason: To ensure that the land is restored to an appropriate amenity standard within a reasonable period.

Trees, Shrubs and Hedgerows

24. All existing trees, shrubs and hedgerows in that part of the Application Site lying to the south, west and east of the Extension Area and not affected by mineral excavation or landraising shall be retained, and they

shall be maintained/managed in accordance with the Approved Drawings and the Management Scheme for the period from the commencement of the permitted development until 5 years after the completion of the Approved Restoration Scheme. Within that same area, the two proposed new woodlands, together with all proposed new and enhanced hedgerows shall be completed in accordance with the Approved Restoration Scheme details during the first Planting Season following the commencement of soil stripping in Phase 1 and shall thereafter be maintained/managed in accordance with the Approved Restoration Scheme and the Management Scheme until 5 years after the completion the Approved Restoration Scheme.

Reason: To ensure that proper maintenance of existing planting, and the proper implementation and maintenance of proposed planting, in the interests of visual amenity and habitat.

The Waterbody

25. No development shall be carried out in Phase 4 until details of the Waterbody (including measures to ensure water retention at a stable level) have been submitted to, and approved in writing by, the mineral planning authority. The details shall include:
- i) a detailed plan and sectional drawings of the Waterbody; and
 - ii) details of planting around the margins of the Waterbody, including aftercare and the replacement of failed species over a period of 2 years from the date of completion of planting.

The Waterbody (including the related planting) shall be completed within 12 months following the completion of Phase 4 or by 31st December 2036, whichever is the sooner.

Reason: In the interests of visual amenity and to provide habitat.

Importation of Soils

26. No soils or soil-forming materials shall be imported to the site without the prior written approval of the mineral planning authority.

Reason: In order to ensure that the restoration of the land is not prejudiced by the importation of inappropriate soils or soil-forming materials.

HYDROLOGY

Groundwater and Surface Water Monitoring

27. Within 3 months of the date of the permission, a scheme of surface and ground water monitoring shall be submitted to the mineral planning authority. That scheme shall include the monitoring of surface and ground water drainage patterns and flows within one kilometre of the Extension Area boundary, at least every 3 years, by means of empirical survey during the summer and the winter period. The results of that monitoring shall be assessed against the baseline survey data set out in section 9 of the Environmental Statement. The results shall be reported to the mineral planning authority within 6 months of completion of each monitoring exercise, together with an assessment of the significance of changes that have occurred in terms of hydrological, hydrogeological and ecological interests.

The scheme to be submitted shall make provision for addressing the derogation of any water supply as a consequence of the influence of the permitted operations.

Reason: In order that any impact on surface water drainage patterns and flows can be monitored and assessed.

Excavation below Groundwater Levels

28. No excavation below 76 metres AOD shall take place within the Extension Area until the mineral planning authority has given its written approval thereof (with or without conditions) based upon the assessment of the significance of monitored change and likely future impacts upon hydrological and ecological interests. In any event, no excavation shall occur within any part of the Application Site below the level of 58 metres AOD nor below the cross profiles indicated on Drawing Nos. A121/8 and A121/25.

Reason: In order that any working below groundwater level does not prejudice the quantity or quality of groundwater nor the restoration of the site.

Bunding of Fuel & Oil Tanks

29. 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 banded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should 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 should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Surface Water Discharge

30. There shall be no discharge to the public highway of any surface water from drainage ditches or pipes within the Application Site or Ancillary Mining Land

Reason: In the interests of highway safety and for the convenience of users of public rights of way.

Archaeological Programme

31. The development hereby approved shall not commence in the Extension Area until a programme of archaeological investigation and works has been secured in accordance with the Phase 2 Archaeological Evaluation (Ref: NAA 03/16) dated January 2003.

Reason: To safeguard the historic landscape and in the interests of conservation.

Notification of Archaeological Finds

32. The mineral planning authority shall be notified immediately of any:
- (i) archaeological finds within the Application Site of such significance that would be likely to merit their designation as scheduled monuments;
 - (ii) other finds within the Landraising Areas or the site of the Bund that would be likely to merit their preservation *in situ*, together with details for the approval of the mineral planning authority of measures for their protection.

Reason: To safeguard the historic landscape and in the interests of conservation.

POSSIBLE ADDITIONAL CONDITION

Buffer Zone

33. Notwithstanding the details of the submitted quarry development scheme and the provisions of Condition (4), no quarrying shall take place within 200 metres of the residential property at Dinorben Farm. Within 12 months of the date of this permission, a revised development scheme for Phases 2 – 4 shall be submitted to the mineral planning authority, and the revised scheme shall be implemented as approved. The revised scheme shall make provision for phased extraction and restoration in accordance with the principles of the originally submitted scheme but incorporating a 200 metres buffer zone to Dinorben Farm.

Reason: To safeguard residential amenity.