

M19.01

Flintshire Local Development Plan 2015 – 2030

EXAMINATION IN PUBLIC

Hearing Session Matter 19

Wednesday 19 May 2021

**Sustainable Minerals Development
(STR16, EN25)**

Hearing Statement by Flintshire County Council

30/04/2021

Flintshire Local Development Plan (2015 - 2030) Examination in Public

Flintshire County Council Statement: Matter 19: Sustainable Minerals Development (EN25)

This statement has been prepared by Flintshire County Council (FCC) in response to the Inspectors' hearing questions:

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence? Are the policies and requirements clear, reasonable and justified?

Response:

The following takes each minerals policy in turn stating how they link back to LDP Objective 9 which support development that positions Flintshire as an economically competitive place, and LDP Objective 19 which supports the safeguarding and sustainable use of natural resources, and how they are consistent with current national policy and guidance. It will demonstrate how the policies are based on robust and credible evidence. The statement will also demonstrate how the policies and requirements of them are clear, reasonable and justified.

Question a) Are the minerals policies locally specific and consistent with national policy?

Council's Response:

Policy STR16: Strategic Planning for Minerals

a.1 LDP Objective 19 supports the safeguarding and sustainable use of natural resources. PPW11 and Minerals Technical Advice Note 1: Aggregates (MTAN1¹) requires the Council to maintain a sustainable and steady supply of minerals of the plan period, ensuring a minimum 10 year landbank of crushed rock and a minimum 7 year landbank for sand and gravel which would be maintained throughout the plan period. PPW11 also notes that the respective landbanks should be maintained throughout the plan period unless agreement is reached for other authorities to make a compensating increase in their provision².

a.2 Robust and credible evidence, provided in the Regional Technical Statement first review (RTS1) for North Wales, was used to draft Policy STR16; the strategic level policy for the sustainable supply of minerals through the LDP to ensure compliance with PPW11 and MTAN1. Policy STR16 criterion iii. as currently drafted is locally specific as it states the RTS1 apportionment requirements specifically for Flintshire. However, the RTS second review (RTS2) has now been published, and therefore regard must now be made to the current RTS requirements in the FLDP.

¹ MTAN1 (paragraph 49): <https://gov.wales/sites/default/files/publications/2018-09/mtan1-aggregates.pdf>

² PPW11 (paragraph 5.14.15): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

- a.3 It is noted and acknowledged that Policy STR16 iii, as currently drafted quotes apportionment figures from the RTS1 which are now out of date. With regards to crushed rock, the apportionment has increased from at least 3.84 (million tonnes) mt in the RTS1, to at least 35.928 mt. With regards to sand and gravel, the apportionment has increased from at least 1.4 mt (RTS1 figures), to at least 3.543 mt. However, as stated within the Council's responses³ to the representations received, the Council would have no objection to the Inspector considering a change the wording of point iii. to ensure compliance with the RTS2. For ease of reference, the Council suggested a Policy amendment to point iii of Policy STR16. *"Flintshire will contribute to the regional supply of minerals in collaboration with Denbighshire and Wrexham County Borough Councils to accord with the apportionment figures contained in the published Regional Technical Statement"*. It is considered that this change would to ensure that the policy would continue to be local specific and ensure a sustainable and steady supply of minerals over the Plan period in compliance with PPW11 and MTAN1.
- a.4. Should the Examination Inspectors consider the change of wording as proposed, it is considered that this would also ensure compliance with the RTS2 now, and for future reviews of the LDP, as the wording would allow for any fluctuations in apportionment requirements in any subsequent reviews of the RTS. Furthermore, the policy would contribute towards achieving the aims of LDP Objective 19 by supporting the sustainable use of natural resources, and would be locally specific.
- a.5 The implications of the publication of the RTS2, the increased apportionment for Flintshire, and the sites allocated in Policy EN25 are explored further in question b) below which provides detail on the progress the Council has made towards seeking regional collaboration to ensure the apportionments of the RTS2 (and subsequent reviews of the RTS) can be met throughout the plan period.
- a.6 Criterion i. of Policy STR16 provides the strategic level requirement of PPW11 with regards to the safeguarding of mineral resources to meet society's needs now and in the future⁴, and aims to achieve LDP Objective 19 which supports the safeguarding of natural resources. Minerals safeguarding is developed further in Policy EN23 and it is noted within the Council's responses to representations⁵ that Policy STR16 i. could reference Policy EN23 (should the Examination Inspectors consider that the change of wording would improve the plan).
- a.7 Criterion ii. of Policy STR16 provides the strategic level requirement of MTAN 1 for the application of mineral buffer zones⁶ which is developed further in Policy EN24 and it is noted within the Council's responses to representations⁷ that

³ <https://consult.flintshire.gov.uk/common/viewRepresentation.jsp?representationId=3523560>

⁴ PPW11 (paragraph 5.14.7): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

⁵ <https://consult.flintshire.gov.uk/common/viewRepresentation.jsp?representationId=3523560>

⁶ MTAN1 (paragraph 70): <https://gov.wales/sites/default/files/publications/2018-09/mtan1-aggregates.pdf>

⁷ <https://consult.flintshire.gov.uk/common/viewRepresentation.jsp?representationId=3523560>

Policy STR16 ii. could reference Policy EN24 (should the Examination Inspectors consider that the change of wording would improve the plan). PPW11 sets out a number of important principles in relation to minerals which should be addressed in a LDP⁸, including securing appropriate restoration and this is reflected in Policy STR16 v. which demonstrates consistency with national policy.

- a.8 Policy STR16 vi. provides the strategic policy for the use of secondary and recycled aggregates which is developed in Policy EN27 and aims to achieve LDP Objective 5 to facilitate sustainable waste management waste and in compliance with Future Wales⁹ and PPW11¹⁰ with regards to resource management, facilitating a circular economy by advocating the use of secondary aggregates.

Policy EN23: Mineral Safeguarding

- a.9 Policy EN23 expands on strategic Policy STR16, by protecting potential mineral resources from development, and accords with PPW11, which requires Mineral Planning Authorities to safeguard access to mineral deposits which society may need now and in the future¹¹. It provides detailed criteria against which planning applications within safeguarding areas will be assessed. In accordance with PPW11, the Proposals Map identifies Minerals Safeguarding Areas¹². Policy EN23 also protects potential mineral resources from sterilisation by permanent non-mineral development, as required by PPW11¹³.

- a.10 Policy EN23 provides the detailed policy criteria to safeguard minerals of economic importance. In section 5 of Background Paper 4: Minerals¹⁴ this provides the evidence to justify what minerals have been safeguarded and why, and provides a rationale of how the mineral safeguarding area has been defined. The mineral safeguarding area has been refined to exclude settlement boundaries, and international and national designations, and the detail within Policy EN23 provides specific criteria to assess other proposals that may be located within the MSA so that they can be assessed on a site by site basis.

- a.11 Policies STR16 and EN23 also links to LDP Objective 9 which supports development that positions Flintshire as an economically competitive place, and an economic driver for the sub-region. STR16 aims to protect Flintshire's

⁸ PPW 11 (paragraph 5.14.43): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

⁹Future Wales (Page 49): <https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

¹⁰ PPP11 (paragraph 5.11.3): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

¹¹ PPW 11 (paragraph 5.14.7): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

¹² PPW11 (paragraph 5.14.9): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

¹³ PPW11 (paragraph 5.14.2): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

¹⁴ Background Paper 4: Minerals: <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-Base-Documents/Background-Papers/LDP-EBD-BP4-Background-Paper-LDP04-Minerals.pdf>

important mineral resources, and acknowledges the important role that mineral extraction makes to the economy by safeguarding mineral resources from non-mineral development, so that they will be available for future extraction, for future generations. LDP Objective 19 also supports the safeguarding of natural resources which links back to Policies STR16 and EN23 regarding safeguarding.

- a.12 PPW11 states that Councils may wish to safeguard primary coal depending on their individual circumstances¹⁵. Background Paper 4: Minerals¹⁶ notes that there are no circumstances in Flintshire that warrant safeguarding of coal resources, the Minerals Safeguarding Areas on the proposals maps no longer refer to safeguarding coal resources. Furthermore, Policy EN23 does not seek to safeguard coal resources, and there is no requirement within the Policy to provide a prior extraction assessment for non-mineral development sites underlain by coal. This demonstrates that the Policy is locally specific in relation to safeguarding coal, taking account of the national policy position in PPW11¹⁷.
- a.13 Policy EN23 provides detailed criteria against which applications within safeguarded areas will be assessed. Given the distribution of economically important minerals in Flintshire, mineral of economic importance may be sterilised to make way for other non-mineral development. However, in order to minimise the loss that will occur, it is reasonable and justifiable to require developers of sites within mineral safeguarding areas to establish the amount of prior extraction that could be undertaken. In such areas, where sites are underlain by Category 1 Sand and Gravel and are 4 hectares or more, Policy EN23 requires a Prior Extraction Assessment (PEA) to be carried out to support a planning application. This will establish if the mineral resource is of economic importance, and if it would be viable and feasible to extract a given amount, to mitigate against the permanent sterilisation of that resource.
- a.14 The PEA is a useful tool that would provide the Council with the knowledge and information in relation to the amount of prior extraction that could be feasibly prior to development taking place. The PEA would provide an assessment of the sand and gravel resource beneath the proposed development site, to establish whether there are commercially exploitable resources underlying the site. This is a reasonable and justifiable approach, given that the majority of the mineral resource would be sterilised permanently by the non-mineral development. It is also consistent with Future Wales which promotes the sustainable use and management of mineral resources¹⁸. The purpose of this policy is to prevent further unnecessary sterilisation of mineral resources, in line with national policy.

¹⁵ PPW11 (paragraph 5.10.17): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

¹⁶ Background Paper 4: Minerals: <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-Base-Documents/Background-Papers/LDP-EBD-BP4-Background-Paper-LDP04-Minerals.pdf>

¹⁷ PPW11 (paragraph 5.10.17): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

¹⁸ Future Wales <https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

- a.15 Once the Plan is adopted, the Council will produce Supplementary Planning Guidance on what is required to be included in a PEA, to provide developers with certainty as to what is expected by the requirement of Policy EN23.
- a.16 Policy EN23 will ensure that LDP Objective 19 is achieved to ensure adequate protection of high quality minerals of economic importance, through the effective application of Minerals Safeguarding Areas, and to require the PEA to be produced where required, so that an assessment of the mineral that underlays the site can be made. It is considered that Policy EN23, is consistent with national policy and clear, reasonable and justified as to its requirements, and based on robust and credible evidence.

Policy EN24: Buffer Zones

- a.17 PPW11 sets out the need for LDPs to minimise conflict between mineral and non-mineral development through the use of buffer zones¹⁹. In respect of aggregate minerals, MTAN1 advises the use of 100m buffers for sand and gravel, and a 200m buffer for hard rock quarries²⁰. Policy EN24 includes detail that would facilitate the application of national policy at a local level to minimise conflict between mineral and non-mineral development by providing criteria for proposed development within mineral buffer zones. In line with the requirements of PPW11 and MTAN1, appropriate mineral buffer zones have been identified around sites with extant planning permission for mineral extraction, and those allocations in Policy EN25, as indicated on the Proposals Map and detailed within the Background Paper 4: Minerals²¹, demonstrating compliance with national policy.
- a.18 Policy EN24 has been developed to meet the requirements of PPW11 and MTAN 1 and to enable any proposals which come forwards to be considered without compromising quarrying operations. The identification of a buffer is not a moratorium on all development within it. However, any proposal within a buffer zone would need to demonstrate and provide evidence that the development would not itself inhibit quarrying operations, either through the introduction of sensitive development or through the direct sterilisation of areas which would be required for quarrying development. Development that is proposed within a mineral buffer zone would be assessed on a case by case basis.
- a.19 STR16 provides the Strategic Policy which sets out the general approach that has been taken with respect of sustainably managing mineral resources in Flintshire, and the wider region. Policy EN24 provides the detail of how Mineral Buffer Zones would be applied.

¹⁹ PPW11 (paragraph 5.14.44): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

²⁰ MTAN1 (paragraph 71) <https://gov.wales/sites/default/files/publications/2018-09/mtan1-aggregates.pdf>

²¹ Background Paper 4: Minerals (paragraph 2.2.2) <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-Base-Documents/Background-Papers/LDP-EBD-BP4-Background-Paper-LDP04-Minerals.pdf>

Policy EN25: Sustainable Minerals Development

- a.20 LDP Objective 19 supports the sustainable use of natural resources. As stated above, PPW11 and Minerals Technical Advice Note 1: Aggregates (MTAN1²²) requires the Council to maintain a sustainable and steady supply of minerals of the plan period, ensuring a minimum 10 year landbank of crushed rock and a minimum 7 year landbank for sand and gravel which would be maintained throughout the plan period. PPW11 also notes that the respective landbanks should be maintained throughout the plan period unless agreement is reached for other authorities to make a compensating increase in their provision²³.
- a.21 Policy EN25 proposes 4 allocations which would contribute to Flintshire's apportionment figure as set out in the RTS. Now that the RTS2 has been published, the allocations would ensure a minimum of a 10 year landbank of crushed rock and 7 year land bank of sand and gravel at the start of the plan period. However, as Flintshire's apportionment has increased significantly compared to RTS1 figures, additional sites are required to be identified throughout the plan period. Section b) of the Council's statement demonstrates the Council's ability to meet the increased apportionment of the RTS2. As stated within the response to representations received²⁴ should the Examination Inspectors feel that the plan could be improved, the Council would not object to an amendment of paragraph 12.84 to reflect the apportionments of the RTS2.

Policy EN26: Criteria for Mineral Development

- a.22 Policy EN26 expands on Policy STR16 and sets out specific criteria which will be used to assess planning applications for mineral developments. Furthermore, Strategic Policy STR14 sets out the general approach in point vi. that new development will have regard to the protection of the environment in terms of air, noise and light pollution that may arise from mineral developments.
- a.23 Policy EN26 provides flexibility to support proposals which meet an identified need in the event that a need arises during the Plan period. The Policy provides sufficient flexibility to allow windfall sites to be brought forward and considered. Subsequent reviews of the Plan can identify a future need that may be identified within subsequent reviews of the RTS, and sites can be proposed in subsequent LDP reviews. The Plan allows for sites to come forward at a later stage and be assessed against the policies as drafted. Policy EN26 of the LDP would allow for sites to be considered in the future, to enable a minimum landbank of 10 years for hard rock and 7 years of sand and gravel to be maintained, as required by National policy and LDP Objective 19.

²² MTAN1 (paragraph 49): <https://gov.wales/sites/default/files/publications/2018-09/mtan1-aggregates.pdf>

²³ PPW11 (paragraph 5.14.15): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

²⁴ <https://consult.flintshire.gov.uk/common/viewRepresentation.jsp?representationId=3531004>

Policy EN27: Secondary and Recycled Aggregates

- a.24 Policy EN27 is the detailed policy which expands on Policy STR16 and provides criteria in which sites for the management of secondary and recycled aggregates could be considered outside of settlement boundaries. It is considered that this policy is required so that sites such as these can be considered outside the development boundary. Many quarry sites lie within rural areas and outside development boundaries. There is often a link to the management of secondary or recycled aggregates on such quarry sites and development such as this may be considered appropriate in these types of locations. Policy EN27 therefore provides the criteria in which proposals for the management of secondary and recycled aggregates can be considered.
- a.25 It is considered that the Policy contributes to achieve LDP Objective 5 to facilitate the sustainable management of waste and is in compliance with the Future Wales²⁵, PPW11²⁶, and TAN21: Waste²⁷ with regards to sustainable resource management and facilitating a circular economy by advocating the use of secondary aggregates. As set out in Background Paper 4: Minerals²⁸ PPW11 sets out that particular emphasis should be given to increasing the use of alternative products to primary material where appropriate. The use of secondary and recycled aggregates will be supported through general policies of the LDP, and further encouraged through Policies STR16 and EN27.

Question b) Is the work with regard to the RTS 2nd Review now completed?
Will the LPA be able to meet the higher apportioned need?

Council's Response:

- b.1 The RTS2 has now been endorsed by the Welsh Ministers on 24 March 2021. Furthermore, all the Local authorities in the North East Wales sub-region (Denbighshire County Council, Flintshire County Council, and Wrexham County Borough Council) have endorsed the RTS2 and the apportionments set in the RTS²⁹. Also, of significance, all the authorities have agreed to collaborate on a sub-regional level in order to ensure that the overall sub-regional apportionment figures are met, to provide the steady supply of aggregate minerals throughout the sub-region.

²⁵Future Wales (Page 49): <https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

²⁶ PPP11 (paragraph 5.11.3): https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

²⁷ TAN21: Waste (para 3.24, 3.27, 3.28) <https://gov.wales/sites/default/files/publications/2018-09/tan21-waste.pdf>

²⁸ Background Paper 4: Minerals (paragraph 9.1.1): <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-Base-Documents/Background-Papers/LDP-EBD-BP4-Background-Paper-LDP04-Minerals.pdf>

²⁹ RTS2 Page 16/17 Tables A6 and A7 [http://www.nwrawp-wales.org.uk/html/rtreview2019/English/RTS%202nd%20Review%20-%20Appendix%20A%20\(North%20Wales\)%20-%20CONSULTATION%20version%20\(English\).pdf](http://www.nwrawp-wales.org.uk/html/rtreview2019/English/RTS%202nd%20Review%20-%20Appendix%20A%20(North%20Wales)%20-%20CONSULTATION%20version%20(English).pdf)

- b.2 Flintshire County Council's Planning Strategy Group have endorsed the draft Statement of Sub-Regional Collaboration (SSRC) see Appendix 1/ Examination Document FCC008³⁰, and the draft SSRC will be taken to Flintshire County Council's Cabinet for its approval on 18th May, 2021. Denbighshire County Council's Lead Member for Planning, Public Protection and Safer Communities is considering the draft SSRC to approve, and on 11th May, 2021 Wrexham County Council's Executive Board will also consider the draft SSRC to approve. The Examination Inspectors will be verbally updated on the outcome of these decisions at the minerals hearing session. It is anticipated however, given all the respective local authorities within the north-east Wales sub-region have agreed to collaborate on a sub-regional level, that the draft SSRC will be approved by all the respective authorities of the sub-region before the adoption of the Plan.
- b.3 The LPA is therefore confident that the higher apportionment need of the RTS2 will be met over the plan period by the proposed allocations as set out in Policy EN25, a planning application for Hendre Quarry in Flintshire, which would yield almost 9 mt more to that proposed at EN25.1, extensions to existing quarries within the sub-region and/or new sites within the sub-region.
- b.4 The RTS2 was published for consultation at the same time that the FLDP was placed under deposit. The allocations proposed in EN25 both for crushed rock and sand and gravel would have more than satisfied the apportionment figures within the RTS first review. However, the publication of the RTS2, presented increased apportionment figures for Flintshire. With regards to crushed rock, the apportionment has increased from at least 3.84 mt in the RTS1, to at least 35.928 mt. With regards to sand and gravel, the apportionment has increased from at least 1.4 mt (RTS1 figures), to at least 3.543 mt. Taking into account the allocations proposed in Policy EN25, this still presents a shortfall for crushed rock of at least 12 mt, and for sand and gravel at least 2.143 mt³¹.
- b.5 With regards to crushed rock, the allocations proposed in Policy EN25.1 and EN25.2 amount to 24 mt which are derived from extensions at two operational quarries; Tarmac's 'Hendre' Quarry and Cemex's 'Pant y Pwll Dŵr' Quarry. The proposed allocation for the extension at Hendre Quarry (EN25.1) is for 11 mt. However, since the LDP deposit consultation, Tarmac have submitted a planning application (reference 062110³²) for this extension that would yield 19.866 mt; an additional 8.866 mt to that of the allocation (see Appendix 3I). Therefore, should planning permission be granted, this extension at Hendre Quarry would contribute significantly to the County's landbank. The shortfall would be reduced to just at least 3.062 mt. It is anticipated that a report will be taken to Flintshire

³⁰ Examination Document FCC008: <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/FCC/FCC008-Draft-Statement-of-Sub-Regional-Collaboration.pdf>

³¹ Proposed tonnage from EN25.3 and EN25.4 are less than quoted in deposit draft LDP as confirmed in Appendix 2; Statement from the Breedon Group, therefore this has increased the apportionment shortfall.

³² Hendre Quarry Planning Application ref: 062110
https://digital.flintshire.gov.uk/FCC_Planning/Home/Details?refno=062110

County Council's Planning Committee for determination of the extension in June/July 2021 and there have been no substantive objections from statutory consultees.

- b.6 RTS2 covers a 25 year period from 2016 to 2041. In the case of crushed rock, the RTS is designed to cover a 15 year plan period plus maintaining a (minimum) 10 year landbank of reserves at the end of the plan period as required by MTAN1. The shortfall of some 3 mt represents less than 1 year's supply based upon the RTS2 annualised apportionment for Flintshire of 3.359mt. As such, the 3 mt shortfall is a small figure in overall terms. Furthermore, taking into account the existing permitted reserves, and the allocations set out in the LDP, and including the uplift proposed for the extension at Hendre, this would deliver a 24 year landbank at the start of the plan period, substantially more than the minimum MTAN1 requirement of a 10 year landbank, with the landbank in place for the full 15 year LDP period, plus a circa 9 year landbank beyond the plan period.
- b.7 Therefore, it is considered that a significant proportion of the Flintshire apportionment would be met and would be deliverable at the start of the plan period, thus meeting the requirement of MTAN1 with regards to maintaining a 10 year landbank of crushed rock at the start of the plan period, at least. However, in addition to the crushed rock allocations proposed in the plan, and the proposed extension at Hendre Quarry, the North Wales Minerals and Waste Planning Service have entered into discussions with the mineral industry and land owners within Flintshire to explore the possibilities of further extensions to existing sites and also new sites which would contribute to the apportionment figure (see appendices 2, 3 and 4). Any additional sites identified would be presented in the next review of the LDP. By which time there will be another review of the RTS where the apportionment requirement and situation may well be different.
- b.8 Furthermore, now that sub-regional collaboration has been secured, Flintshire can look to sites within the sub-region to assist with meeting the increased apportionment figure. Whilst the limestone in Wrexham is heavily constrained by the AONB designation, there are opportunities for crushed rock development within Denbighshire. The Breedon Group intend to submit a planning application for a lateral extension at the Graig Denbigh Quarry. This proposed extension would yield an additional 5.4 mt of crushed rock (see Appendix 2). The submission of the planning application for the extension has been postponed due to the Covid-19 pandemic. However, the company has shown a commitment to making this planning submission and submitted a request for a Scoping Opinion³³ for the proposal and hosted a public consultation event in December 2019. Therefore, with the combination of allocations and extensions of sites in the sub-region, it is considered that the Council has demonstrated that the higher crushed rock apportionment figure of the RTS2 will be met over the plan period.

³³ EIA Scoping Request for an extension at Denbigh Quarry ref: 01/2019/0573
<https://planning.denbighshire.gov.uk/planning/search-applications?civica.query.FullTextSearch=01%2F2019%2F0573#VIEW?RefType=PBDC&KeyNo=29460>

- b.9 With regards to sand and gravel, the proposed sand and gravel allocations contained in Policy EN25.3 and EN25.4 (extending two quarries; Breedon Limited's 'Ddol Uchaf' and 'Fron Haul' quarries). However, since the publication of the deposit draft LDP, the Breedon Group have undertaken some further investigations of the potential resources blocks of these two sites and it is apparent that the potential resource at Ddol Uchaf and Fron Haul is now 900,000 tonnes³⁴ and 500,000 tonnes³⁵ respectively (as confirmed in Appendix 2). A detailed geological investigation would be required to prove the total resource available which would be provided at the planning application stage.
- b.10 As a result, the proposed allocations in the deposit draft LDP now amount to 1.4 mt of sand and gravel, which would have met the requirements of the RTS1. However, the RTS2 apportionment presents a shortfall of at least 2.143 mt. In the case of sand and gravel, the RTS is designed to cover a 15 year plan period plus maintaining a (minimum) 7 year landbank of reserves at the end of the plan period as required by MTAN1. Taking into account the existing permitted reserves, and the allocations set out in the LDP, this would deliver a 12 year landbank for sand and gravel at the start of the plan period, substantially more than the minimum MTAN1 requirement of a 7 year landbank.
- b.11 Therefore, it is considered that a significant proportion of the Flintshire apportionment would be met and would be deliverable at the start of the plan period, thus meeting the requirement of MTAN1 with regards to maintaining a 7 year landbank of sand and gravel at the start of the plan period, at least.
- b.12 As with crushed rock, the North Wales Minerals and Waste Planning Service are in discussions with the mineral industry and land owners to establish if other new sand and gravel sites, or extensions to sites can be identified to meet the shortfall of the sub-regional apportionment (Flintshire's shortfall of 2.143 mt and Wrexham's apportionment of 1.56 mt). A potential extension at Breedon's Borrass quarry in Wrexham could yield 900,000 tonnes (see Appendix 2), which would go towards meeting this sub-regional shortfall, as would a new site within the sub-region. Any additional sand and gravel sites identified would be presented in the next review of the LDP. By which time it is likely that there will be another RTS review where the apportionment requirement and situation may well be different.
- b.13 As the consultations of the RTS2 and the deposit FLDP coincided, there was insufficient time to undertake a detailed assessment to identify an 'area of search' or 'preferred area' in the FLDP to account for the apportionment shortfalls of aggregate minerals identified in the RTS2. However, it is considered, site specific allocations provide far more certainty in delivering the apportionment requirements set out in the RTS2 as opposed to a blanket 'area of search' or 'preferred area' approach. A site specific approach provides more certainty for the communities that may be affected by minerals development.

³⁴ Error in table Policy EN25 – Ddol Uchaf Quarry EN25.3 should be changed from 1.4mt to 900,000t

³⁵ Error in table Policy EN25 – Fron Haul Quarry EN25.4 should be changed from 900,000t to 500,000t

b.14 To this end, the LPA is confident that the higher apportionment figures of the RTS2 will be met over the plan period and that the Council has demonstrated compliance with PPW11 and MTAN1. It is considered that the Council will be able to maintain a sustainable and steady supply of minerals of the plan period, ensuring a minimum 10 year landbank of crushed rock and a minimum 7 year landbank for sand and gravel by a combination of the proposed allocations as set out in Policy EN25, the proposed extension at Hendre Quarry (which would provide circa 9 mt in addition to that set out in EN25.1), and extensions to existing quarries within the sub-region, or the development of new sites throughout the sub-region which will be presented in the next review of the LDP. By which time, additional sites or extensions to site may have been delivered as 'windfall sites'. This, in combination with the inter-authority collaboration which has been secured and the draft SSRC (Appendix 1 and Examination Document FCC008³⁶), should provide the Examination Inspectors with certainty and clarity that the apportionments set in the RTS2 will be met throughout the plan period, and demonstrates how the shortfall identified within the RTS2 would be met throughout the plan period, thus complying with national policy and meeting LDP Objective 19 to support the sustainable use of mineral resources.

Question c) Is the proposed extension to Ddol Uchaf proportionate and appropriate?

Council's Response:

- c.1 It is considered that the proposed extension to the existing permitted Ddol Uchaf Quarry, as proposed in Policy EN25.3 is both proportionate and appropriate.
- c.2 Whilst the site is currently dormant, and has been since approximately 2002, the quarry has an extant planning permission to extract sand and gravel until 21 February 2042 under an Interim development Order. In 2013, in accordance with the Environment Act 1995, a periodic review of the conditions was undertaken under reference 029143³⁷ when a new set of modern conditions were issued in accordance with up to date guidance and planning policy. Furthermore, whilst the site area of the existing site is 5.2ha, approximately 3.1ha has been previously worked and there are approximately 750,000 tonnes remaining in the consented site which equates to a working capacity of around 3 years at a rate of extraction of 250,000 tonnes per annum. The proposed allocation represents a very modest extension of 900,000 tonnes³⁸ (amended figure see Appendix 2).
- c.3 As stated within the Council's response to representations³⁹, it is logical and reasonable to propose an extension to an existing quarry where there are known mineral resources, as the necessary infrastructure would already be located on site. The allocation is clear and focused as the site is clearly defined in the proposals map.

³⁶ Examination Document FCC008: <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/FCC/FCC008-Draft-Statement-of-Sub-Regional-Collaboration.pdf>

³⁷ https://digital.flintshire.gov.uk/FCC_Planning/Home/Details?refno=029143

³⁸ Error in table Policy EN25 – Ddol Uchaf Quarry EN25.3 should be changed from 1.4mt to 900,000t

³⁹ <https://consult.flintshire.gov.uk/common/viewRepresentation.jsp?representationId=3513107>

- c.4 As stated within the Background Paper 4: Minerals⁴⁰, planning permission was granted in 1989 for an access into the quarry directly off the A541, and therefore the B52122 would not be required to be used to access any extension. Any future planning application for this allocation could address vehicle routing to avoid travel through the village of Caerwys, a temporary or permanent diversion of the public footpath would be required should the allocation be developed. However, this would be undertaken under different legislation. The effects of mineral working in this site would be assessed through the environmental statement that would accompany the planning application which would assess amongst other things, the effects on ecology, archaeology, the visual impact from the Clwydian Range and Dee Valley AONB, and also residential amenity. Background Paper 4: Minerals⁴¹ also addresses these issues to provide evidence that the application is likely to be acceptable in planning terms. The working area would be refined in the planning application to ensure that there would be no residential properties within the 100m buffer in accordance with Policy EN24.
- c.5 Whilst it is noted that the site is located within the setting of the Clwydian Range and Dee Valley AONB, at the time that the developer progresses the allocation to a planning application, visual and landscape impact would be assessed through a Landscape and Visual Impact Assessment (LVIA). The views into the site from the AONB would also be a material consideration which would be considered at the application stage as part of the LVIA. The results of this assessment may result in the reduction of the site area, or mitigation measures, progressive restoration and screening may be proposed to mitigate any landscape impact.
- c.6 As stated within the Council's response to the representations received on the Plan⁴², further detail would be provided at the application stage to assess the impact on the AONB. At this stage the Council do not have the evidence to justify the reduction in the allocation area. However, further studies and assessments that would accompany a planning application would refine the site boundary and extraction area to ensure that the appropriate Buffer Zone was applied in accordance with Policy EN24. Furthermore, there is a demonstrable need for sand and gravel as identified within the RTS2 which may outweigh any other material planning consideration such as visual impact from the AONB, and given this is an existing permitted site, when determining a planning application on this site.
- c.7 There are a number of former sand and gravel quarries that have been restored to a very high standard within the AONB, or in its setting, and in close proximity of Ddol Uchaf Quarry. These former quarries have been restored to a very high standard which would arguably enhance the AONB. For example Hendre East

⁴⁰ Background Paper 4: Minerals <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-Base-Documents/Background-Papers/LDP-EBD-BP4-Background-Paper-LDP04-Minerals.pdf>

⁴¹ Background Paper 4: Minerals <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-Base-Documents/Background-Papers/LDP-EBD-BP4-Background-Paper-LDP04-Minerals.pdf>

⁴² <https://consult.flintshire.gov.uk/common/viewRepresentation.jsp?representationId=3512470>

has been restored successfully back to agriculture, Hendre Star-crossing for nature conservation purposes and Pentre Uchaf Quarry has been restored successfully to agriculture and a lake for nature conservation purposes. Furthermore, Maes Mynnan West has secured a change of use for a holiday chalet park which the attractive lake feature has been created by former quarrying and the winning of minerals on this site.

- c.8 With regards to the proposed allocation at Ddol Uchaf, the loss of agricultural land is temporary and there is no doubt that the site would be restored successfully back to agriculture evidenced by restored sand and gravel quarries in the area. Furthermore, there are significant nature conservation benefits that would result from aggregate quarrying operations. For example the successful bat house at Fron Haul Quarry, and providing optimal habitats for species such as sand martins, and great crested newts, where at Maes Mynnan Quarry there is a successful great crested newt management plan.
- c.9 RTS2 provides evidence that there is a demonstrable need for the Council to identify additional sand and gravel sites through the LDP process. As stated above, Flintshire is required to provide 3.543 mt allocation to meet the need projected for sand and gravel in the RTS2. The proposed allocation at Ddol Uchaf would contribute to this need.
- c.10 The Breedon Group, who own this site have indicated that they would recommence operations at Ddol Uchaf when reserves are depleted at nearby Fron Haul Quarry as confirmed by the Breedon Group in Appendix 2. Therefore, it is considered that this allocation is entirely appropriate to consider an extension of an existing consented site, where this is a commitment to operate and extract the permitted mineral reserves. As stated in Appendix 2, as the current permitted reserves at Ddol Uchaf are relatively small, it is considered that this is insufficient to justify the new infrastructure and plant investment that would be required to recommence operations at Ddol Uchaf. Further work is required to fully investigate the site but the desk top analysis of the site undertaken by the Breedon Group envisages the extension area will yield approximately 900,000 tonnes of additional reserves⁴³. This tonnage, together with the existing permitted reserves would justify the expenditure to recommence operations at Ddol Uchaf.
- c.11 Should the allocation at Ddol Uchaf not come through the LDP, and a further planning permission subsequently refused, the existing permitted reserves within Ddol Uchaf would therefore not be extracted which would have an impact on the calculations of the existing landbank for sand and gravel in Flintshire and it follows that the apportionment would be required to be found elsewhere in the County, or in the sub-region.

⁴³ Amendment to Table in Policy EN25.3 required to state proposed tonnage at Ddol Uchaf Quarry



Appendix 2 – Statement from the Breedon Group

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Breedon Trading Limited
Registered office: Pinnacle House, Breedon Quarry, Breedon on the Hill, Derby DE73 8AP
Registered in England and Wales No. 00156531 VAT Reg No 650 2028 79

14 April 2021

Statement in Support of Flintshire Local Development Plan

Breedon is a leading construction materials group in Great Britain and Ireland. We produce cement, aggregates, asphalt, ready-mixed concrete, Welsh slate and specialist concrete and clay products, and offer a range of contracting services

Breedon operate a number of mineral extraction sites across Flintshire and the North East Wales sub-regional area. These are

- Maes Mynan – a sand and gravel quarry in Flintshire
- Fron Haul – a sand and gravel in quarry in Flintshire
- Denbigh – a limestone quarry in Denbighshire
- Borrás – a sand and gravel quarry in Wrexham

Breedon also own Ddol Uchaf which is a sand and gravel site in Flintshire but this site is currently not operational.

Breedon submitted two sites for inclusion as allocated sites in the Flintshire Local Development Plan following their call for sites in 2017. These were for a small extension to Fron Haul Quarry and an extension to Ddol Uchaf.

The proposed extension at Fron Haul has not yet been fully evaluated but following a desk top analysis of the proposed extension area it is estimated that there are approximately 500,000t of additional reserves. Currently only the processing plant is operational at Fron Haul and sand and gravel is imported into the site from the nearby Maes Mynan Quarry for processing. It is envisaged that reserves will be exhausted at Maes Mynan during 2022 and then mineral extraction will revert back to Fron Haul. It is proposed to undertake a detailed analysis of the proposed extension during 2021 with the proposed submission of an application during 2022.

With regards to Ddol Uchaf it is proposed to commence operations on the exhaustion of reserves at Fron Haul. As the current permitted reserves at Ddol Uchaf are relatively small it is felt that this is insufficient to justify the new infrastructure and plant investment that would be required to commence operations at Ddol Uchaf. Therefore, to make the site economic a proposed extension



has been identified and a scoping request was submitted by the previous operators of the site in 2012. Again further work is required to fully investigate the site but our desk top analysis of the site envisages the extension area will yield approximately 900,000 tonnes of additional reserves. This tonnage together with the existing permitted reserves would justify the expenditure to recommence operations at Ddol Uchaf.

The Company is also in discussions with the North Wales Minerals and Waste Planning Service regarding other possible extensions within the North East Wales sub-region which would assist in meeting the apportionment for the sub-region of the RTS2. The first of these is Borrass Quarry in Wrexham where the Company are investigating a small extension which is envisaged will extend reserves by approximately 900,000t. Drilling of the site is expected to commence shortly which will prove the quality and quantity of the proposed extension area. If this proves suitable then it is envisaged that a planning application will be submitted during 2022.

Finally, the Company is preparing an application at Denbigh Quarry for an extension of 4.5 million tonnes. The submission of this has been delayed due to Covid 19 but work has recently recommenced on this application and it is expected to be submitted during the summer of 2021.

I trust that the above will help to demonstrate that Breedon and the North Wales Minerals and Waste Planning Service are working together to ensure that the North East Wales sub regional apportionment figures can be met.

Yours sincerely

Jo Davies
Planning & Estates Manager

Appendix 3 – Statement from SLR Consulting Ltd on behalf of Tarmac Trading Limited

Flintshire Local Development Plan 2015 – 2030

EXAMINATION IN PUBLIC

Hearing Session Matter 19

Wednesday 19th May 2021

Sustainable Minerals Development

**Question b) Is the work with regard to the RTS 2nd Review now completed?
Will the LPA be able to meet the higher apportioned need?**

Statement on behalf of Tarmac Trading Ltd

14 04 21

SLR Consulting Ltd

Flintshire Local Development Plan 2015 – 2030

EXAMINATION IN PUBLIC

Statement on behalf of Tarmac Trading Ltd

1.0 Introduction

- 1.1 This Statement has been prepared in support of the Statement prepared by Flintshire County Council (FCC) in relation to mineral resources which may be available to meet the projected demand for crushed rock aggregate as set out in the Second Review of the Regional Technical Statement (RTS2) published in September 2020.
- 1.2 RTS2 was endorsed by the Welsh Minister on 24th March 2021, and the apportionment requirement for crushed rock aggregate has been accepted by FCC for the purposes of the crushed rock provision to be made via policy in the LDP.
- 1.3 FCC have produced a Statement for consideration at the LDP minerals hearing session which, inter alia, addresses the questions raised by the Inspectors, namely:

Is the work with regard to the RTS 2nd Review now completed?, and

Will the LPA be able to meet the higher apportioned need?
- 1.4 Tarmac has a potential key role to play in facilitating the ability to meet the RTS2 increased requirement for crushed rock aggregate via its existing quarry at Hendre in Flintshire. This Statement has been prepared to explain the circumstances at Hendre Quarry, the reserves present, and the way in which the release of the reserves would make a substantial contribution towards meeting the RTS2 supply requirement.
- 1.5 The Statement is presented in support of the FCC Statement and the conclusion reached in that Statement that the *‘higher crushed rock apportionment figure of the RTS2 will be met over the plan period’* (ref para b.8 of that Statement)

2.0 Hendre Quarry Current Circumstances

- 2.1 Mineral extraction at Hendre Quarry has taken place since the start of the 20th century, formalised by an initial planning permission granted in 1948. Between 1948 and 1969 a series of planning permissions were granted for extensions to the original quarry. A ‘consolidation application’ was submitted in 1992 designed to provide a comprehensive working scheme for the overall quarry covering the areas permitted by the earlier permissions. This consolidation application was permitted in November 1993 (ref 3/768/92).
- 2.2 An Environment Act Review of Old Mining Permissions (ROMP Review) was undertaken in 2008. FCC determined the application in December 2011 with the issuing of an updated schedule of 37 planning conditions. The updated schedule of conditions imposed the same end date for quarrying operations as set out on the

original 1993 permission requiring mineral extraction to cease on or before 31st December 2020.

- 2.3 An application was submitted in August 2018 to extend the end date for the completion of mineral extraction from December 2020 to December 2030, reflecting the extent of reserves remaining to be worked in the existing quarry. Planning permission for the extended end date was issued by FCC in May 2019 (ref 058984). Based upon the current planning permission, reserves at the quarry would be exhausted by the end of the LDP plan period.

3.0 Hendre Quarry Proposed Extension

- 3.1 In October 2020 a planning application was submitted for an eastern extension to the quarry with a consolidation scheme of working and restoration which would allow the reserves in the extension area to be worked as part of an updated comprehensive scheme covering the existing quarry and extension area. The boundary of the proposed extension area reflects the area identified in draft LDP policy EN25.1, as shown on the LDP Proposals Map.

- 3.2 At the time of submission of the application, and based upon reserve estimates as at January 2020, it was confirmed that the overall quarry development would provide a reserve of some 28.38m tonnes. This was made up of:

- 11.26 m tonnes of accessible permitted reserves of Loggerheads Limestone within the existing quarry area;
- 13.62m tonnes of Loggerheads Limestone which would be released by the eastern extension development, of which some 11.19m tonnes of reserves lies within the existing permitted area but which is inaccessible, and a net additional reserve of 2.43m tonnes within the new extension area;
- 7.25m tonnes of 'Top Rock' of which it has been assumed that up to 50% may be marketable, say 3.5m tonnes, but where it would clearly be in Tarmac's commercial interest to market as much of that material as possible (and ideally all of it);

- 3.3 If the entire reserve of 'Top Rock' is included, then the overall reserve would be 32.13m tonnes. On that basis, the development would yield additional reserves of 20.87m tonnes (13.62 +7.25).

- 3.4 The application confirmed that the reserves would be worked at an assumed rate of 800,000tpa, reflecting recent and historical rates of production, giving a life of some 35 years.

- 3.5 The above figures contrast with the indication set out in the draft LDP of an additional reserve within an extension area at Hendre Quarry of 11m tonnes (ref Table 20.4 of

the draft LDP), of which some 10m tonnes comprised Loggerheads Limestone, and 1m tonnes comprised Top Rock.

- 3.6 These figures were broad estimates given at an early stage in the plan-making process and were refined by subsequent more detailed geological investigations and quarry designs which have sought to maximise resource recovery. It is now confirmed that the availability of Loggerheads Limestone would increase from 10m tonnes to 13.62m tonnes. The Top Rock figures are not comparable since the updated estimate of 7.25m tonnes includes a substantial proportion of Top Rock within the existing permitted but inaccessible area. However, the originally estimated 1m tonnes within the 'new' extension area is reconcilable with this overall figure.
- 3.7 Importantly, the Loggerheads Limestone figure referred to in the October 2020 planning application includes 11.19m tonnes of permitted reserves within the existing boundary of the permitted quarry area, but where the reserves are inaccessible partly based upon the extent of overburden to be removed, but also the configuration of the quarry boundary (which reflects existing field patterns) and the difficulty of devising a quarry development scheme to fit in with such 'awkward' boundaries. This issue has been addressed by the inclusion of adjoining land as part of an eastern extension area which would allow the overburden to be removed as part of a more comprehensive quarry development scheme, and where the shape of the development area would facilitate a logical quarry development scheme. A selection of the submitted quarry development plans are attached to this Statement for information.
- 3.8 The 11.19 m tonnes of currently inaccessible reserves have not been included in the returns made by Tarmac regarding available permitted reserves at the quarry. The reserves are thus not included in the overall county landbank of permitted reserves quoted in RTS2 as 48.04m tonnes at 31st December 2016.
- 3.9 Following some minor revisions to the development scheme to address issues raised during the processing of the application, the overall reserve within the proposed extension area has been slightly reduced from 20.87 m tonnes to 19.866m tonnes, comprising a reduction in the availability of Loggerheads Limestone from 13.62m tonnes to 13.176 m tonnes, and the 'Top Rock' from 7.25m tonnes to 6.69 m tonnes.
- 3.10 Clearly, the additional reserve of 19.866m tonnes represents a substantial proportion of the RTS2 requirement for the release of additional reserves of some 35.928m tonnes (minimum). LDP policy EN25.1 is thus a key component of the crushed rock supply strategy representing some 55% of the apportionment requirement.
- 3.11 The Hendre Quarry eastern extension and consolidation application was submitted in October 2020. Following wide ranging consultation undertaken by FCC there have been no objections from statutory consultees. However, the determination of the application has been delayed by a request from the Clwyd Powys Archaeological Trust for a pre-determination archaeological investigation (trial trenching) of the undisturbed extension area. (It is disappointing that this request was not made at the pre-application consultation stage which would have avoided the current

determination delay, and where a decision on the application might otherwise have been expected by now [April 2021]). The trial trenching is scheduled to be undertaken in mid-April, and without pre-judging the outcome, there is no indication from the Desk Based Assessment (DBA) or geophysical investigations that archaeological finds of substantive interest will be identified which might affect the ability of FCC to grant permission for the development.

- 3.12 It is hoped that the application can be reported for determination in June or July 2021 (as indicated in paragraph b.5 of the FCC Statement), and Tarmac are hopeful of a positive outcome.

4.0 RTS2 CRUSHED ROCK REQUIREMENT: OTHER SUPPLY POTENTIAL

- 4.1 It is noted that the separate policy EN25.2 allocation at Pant y Pwll Dŵr (Halkyn) Quarry may release some 13m tonnes of additional crushed rock reserves. With the additional reserves of 19.9m tonnes at Hendre (rounded), the two areas would be capable of contributing some 32.9m tonnes of the RTS2 (minimum) requirement of 35.9m tonnes, giving a shortfall of some 3m tonnes.
- 4.2 RTS2 covers a 25- year period from 2016 to 2041. In the case of crushed rock, this is designed to cover a 15-year plan period plus maintaining a (minimum) 10-year landbank of reserves at the end of the plan period. The RTS2 period generally coincides with the LDP period of 2015 – 2030. However, in this context, the shortfall of 3m tonnes represents less than 1 year’s supply based upon the RTS2 annualised apportionment for Flintshire of 3.359m tonnes. Set against a total apportionment requirement for the 25-year period of 83.968m tonnes (of which 48m tonnes was permitted as at 31st December 2016), the 3m tonne shortfall is a small figure in overall terms (some 3% of overall requirements). Put another way, the allocations in the LDP are capable of delivering a circa 24-year landbank, which is clearly substantially above the minimum MTAN1 requirement for a 10-year landbank, with a landbank in place for the full 15 year LDP period, plus a circa 9 year landbank beyond the plan period.
- 4.3 The apportionment is also based upon an RTS2 annualised apportionment of 3.359m tonnes and an assumption of this being maintained for the 25-year period. Whilst this figure has been accepted via the endorsement of RTS2 by FCC, and it is correct for the LDP to be based upon this requirement, it should be noted that it reflects a projected increase in future crushed rock sales from a 10-year average of 2.6m tonnes per annum, and from a 3-year average of 3.12m tonnes per annum (ref Table A1 of RTS2 Appendix A North Wales). As noted above, whilst it is correct for the LDP to plan for such increases in requirements, as projected by RTS2, it is also the case that if sales do not increase to the projected 3.359m tonnes and / or if they are not consistently maintained at or above that figure (allowing for fluctuations) then the projected 3m tonne shortfall would not in practice be experienced.
- 4.4 The FCC Statement makes reference to discussions which are being held with mineral operators with regard to potential mineral extraction elsewhere, and Tarmac confirm that they have been party to such discussions. In the event that any non-allocated

sites are promoted as applications, then Policy EN26 provides flexibility to allow for the positive determination of such applications, where considerations of 'need' would be a key consideration in such a determination. Tarmac thus support Policy EN26 as drafted, which provides a 'safety net' in the event of changes in circumstances associated with need or the non-availability of allocated sites.

- 4.5 Discussions are also taking place with Denbighshire County Council (DCC) regarding crushed rock supply in that adjoining county. Tarmac will be submitting a planning application in 2021 to extend the end date for quarrying at Burley Hill Quarry from the current end date of 31st December 2021 imposed as a condition on the current planning permission at that quarry. Burley Hill has remaining reserves of some 4.4 m tonnes which are included in the calculated DCC landbank, and which underpins the RTS2 calculation that no further allocations for crushed rock aggregate need to be made in Denbighshire at the current time (ref RTS2 Table 5.6).
- 4.6 It is also noted from the draft Statement of Sub-Regional Collaboration (SSRC) that production has resumed at Denbigh Quarry and Graig Quarry, the effect of which will be to alter sub regional supplies. In addition, in the event that permission is granted for a time extension at Burley Hill Quarry, and production then resumes at Burley Hill, then this will further alter the pattern of supply within the sub region, with Denbighshire potentially taking on a greater share of sub regional production. It also follows that if the request for a time extension at Burley Hill is not approved, then the landbank in Denbighshire will be reduced by 4.4m tonnes, and the assumptions made regarding the RTS2 conclusion of an absence of a need to allocate further reserves in Denbighshire will have proven to be incorrect (ref RTS2 Table 5.6).
- 4.7 All of this emphasises that both the RTS and LDP processes reflect 'snapshots' in time, but where measures for periodic reviews of the RTS and LDP allow for changes in circumstances to be reflected in updated documents. In these circumstances and in the context of uncertainties regarding annualised and total apportionment figures, the calculated 3 m tonne 'shortfall' within Flintshire is not considered to be significant.

5.0 Conclusions

- 5.1 Tarmac are committed to progressing development within the Hendre Quarry extension area (Policy EN25.1), as evident from the planning application which has been submitted, and where a positive outcome to the application is anticipated in June / July 2021.
- 5.2 The release of additional reserves of some 19.866m tonnes at Hendre Quarry would make a substantial contribution towards meeting the RTS2 apportionment for Flintshire of 35.928m tonnes.
- 5.3 With quoted reserves of some 13m tonnes at Pant y Pwll Dŵr (Halkyn) Quarry (Policy EN25.2), the two areas would be capable of contributing some 32.9m tonnes of the RTS2 (minimum) requirement of 35.928m tonnes, giving a shortfall of some 3m tonnes.

5.4 In strategic terms, this shortfall is not considered to be significant given:

- (i) Uncertainties regarding future annual sales compared to the RTS annualised apportionment;
- (ii) The substantial circa 24-year landbank which a combination of existing permitted reserves and reserves at the two allocated sites would provide;
- (iii) The flexibility provided by policy EN26 in allowing applications for non-allocated sites to be considered on their merits; and
- (iv) Potentially changing supply patterns in the sub region associated with increased extraction in Denbighshire which may alter the respective apportionment requirements for FCC and DCC in future reviews of the RTS.

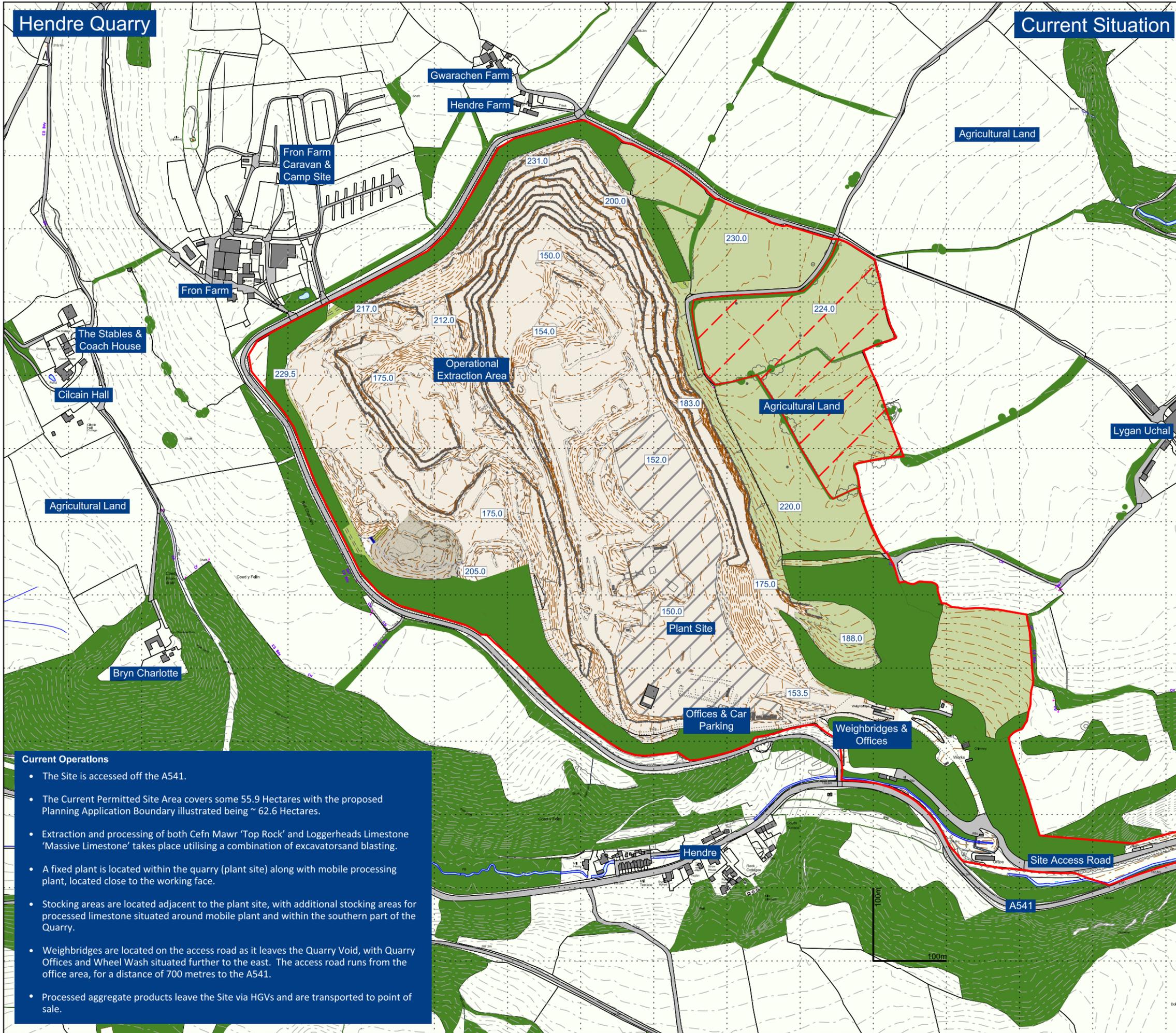
Hendre Quarry Eastern Extension application: October 2020 (ref DJM/062110)

Selected application plans

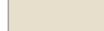
- Location Plan ref H072_00045_1/A
- Current Situation ref H072_00045_2/A
- Phase 2 Plan ref H072_00045_5/A
- Phase 3 ref H072_00045_6/A
- Phase 4 ref H072_00045_7/A
- Phase 5 ref H072_00045_8A

Hendre Quarry

Current Situation



Legend

-  Planning Application Boundary
-  New Extension Area (Outside of Existing Planning Permission Boundary)
-  60.0 Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Operational Area
-  Indicative Plant & Stocking Area
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary



Current Operations

- The Site is accessed off the A541.
- The Current Permitted Site Area covers some 55.9 Hectares with the proposed Planning Application Boundary illustrated being ~ 62.6 Hectares.
- Extraction and processing of both Cefn Mawr 'Top Rock' and Loggerheads Limestone 'Massive Limestone' takes place utilising a combination of excavators and blasting.
- A fixed plant is located within the quarry (plant site) along with mobile processing plant, located close to the working face.
- Stocking areas are located adjacent to the plant site, with additional stocking areas for processed limestone situated around mobile plant and within the southern part of the Quarry.
- Weighbridges are located on the access road as it leaves the Quarry Void, with Quarry Offices and Wheel Wash situated further to the east. The access road runs from the office area, for a distance of 700 metres to the A541.
- Processed aggregate products leave the Site via HGVs and are transported to point of sale.



Site Name: Hendre Quarry	
Drawing Name: Current Situation	
FINAL	
Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: March 2021	Drawing Number: H072-00045-2A

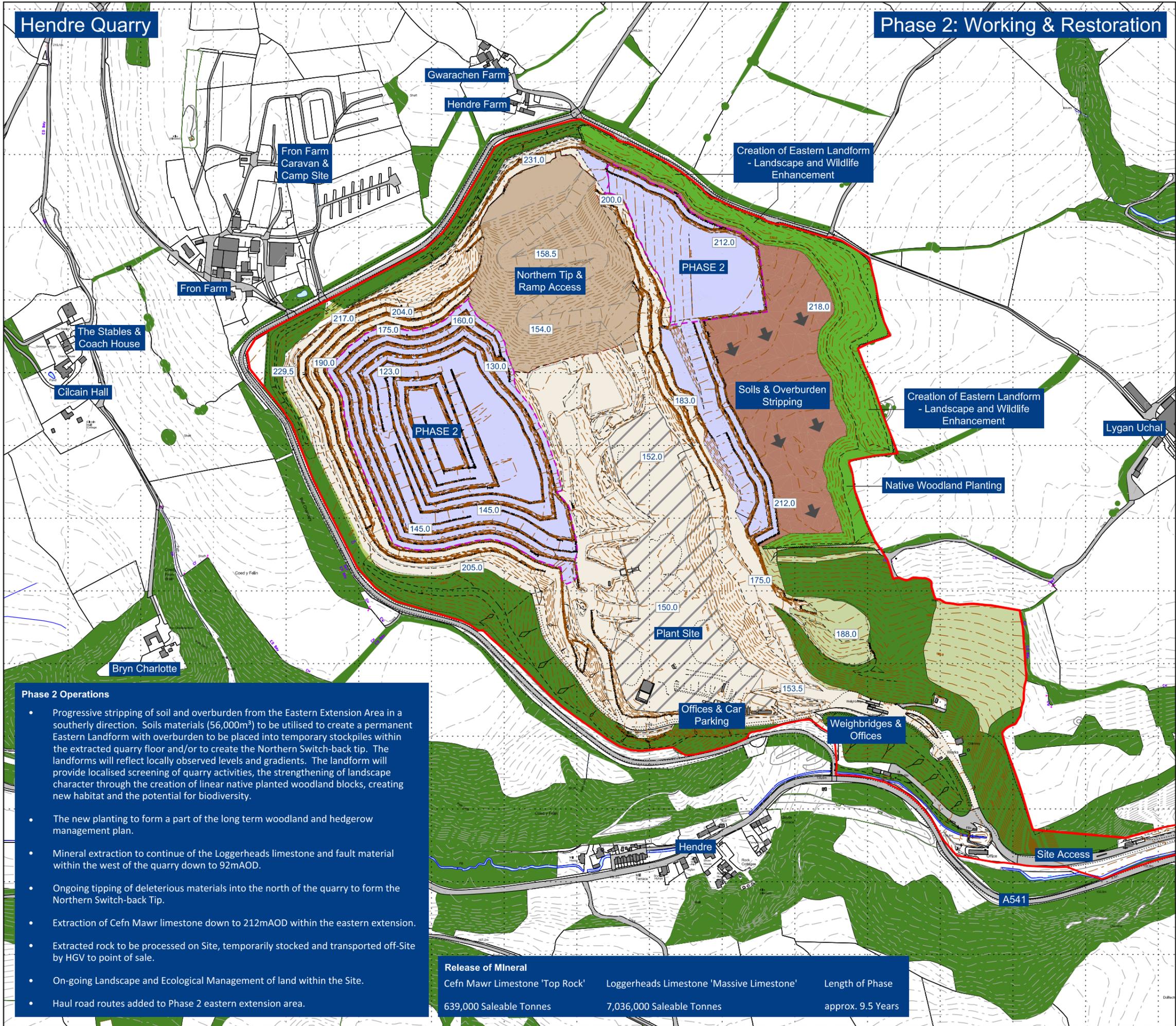


Hendre Quarry

Phase 2: Working & Restoration

Legend

-  Planning Application Boundary
-  Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Limit of Extraction within this Phase
-  Operational Area
-  Operational Tip: Placement of Material within this Phase
-  Indicative Plant Site & Stocking Area
-  Soil & Overburden Stripping within this Phase / Progressive Direction of Stripping
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary
-  New Native Tree & Shrub Planting



Phase 2 Operations

- Progressive stripping of soil and overburden from the Eastern Extension Area in a southerly direction. Soils materials (56,000m³) to be utilised to create a permanent Eastern Landform with overburden to be placed into temporary stockpiles within the extracted quarry floor and/or to create the Northern Switch-back tip. The landforms will reflect locally observed levels and gradients. The landform will provide localised screening of quarry activities, the strengthening of landscape character through the creation of linear native planted woodland blocks, creating new habitat and the potential for biodiversity.
- The new planting to form a part of the long term woodland and hedgerow management plan.
- Mineral extraction to continue of the Loggerheads limestone and fault material within the west of the quarry down to 92mAOD.
- Ongoing tipping of deleterious materials into the north of the quarry to form the Northern Switch-back Tip.
- Extraction of Cefn Mawr limestone down to 212mAOD within the eastern extension.
- Extracted rock to be processed on Site, temporarily stocked and transported off-Site by HGV to point of sale.
- On-going Landscape and Ecological Management of land within the Site.
- Haul road routes added to Phase 2 eastern extension area.

Release of Mineral		
Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
639,000 Saleable Tonnes	7,036,000 Saleable Tonnes	approx. 9.5 Years



Site Name: Hendre Quarry	
Drawing Name: Phase 2 FINAL	
Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: March 2021	Drawing Number: H072_00045-5A



Hendre Quarry

Phase 3: Working & Restoration



Legend

- Planning Application Boundary
- 60.0 Contours (2m Intervals) & Spot Levels
- Site Surround Contours
- Limit of Extraction within this Phase
- Operational Area
- Operational Tip: Placement of Material within this Phase
- Indicative Plant Site & Stocking Area
- Partial Removal of Tip
- Placement of Material for Restoration
- Existing Woodland / Hedges / Trees
- Agricultural Land within the Application Boundary
- Native Tree & Shrub Planting



Phase 3 Operations

- Ongoing extraction of Cefn Mawr limestone within the eastern extension. All Cefn Mawr limestone that is not sold is to be tipped in the west of the quarry to form the Western tip.
- Earthmove of the upper section of the Northern Switch back ramp to allow for access to Cefn Mawr limestone. Earthmove material to be placed in to the western tip.
- Earthmove of the lower section of the Northern Switch-back ramp to allow access to the Loggerheads Limestone extraction area. Earthmove material to be placed into the western tip.
- Extracted rock to be processed on-site, temporarily stocked and transported off-site by HGV to point of sale.
- Ongoing Landscape and Ecological Management of land within the Site.
- Haul road routes added / extended to Phase 3 eastern extension area.

Release of Mineral		
Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
1,749,000 Saleable Tonnes	2,355,000 Saleable Tonnes	approx. 5.1 Years



Site Name: Hendre Quarry

Drawing Name: Phase 3
FINAL

Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: March 2021	Drawing Number: H072_00045-6A

Hendre Quarry

Phase 4: Working & Restoration



Legend

- Planning Application Boundary
- 60.0 Contours (2m Intervals) & Spot Levels
- Site Surround Contours
- Limit of Extraction within this Phase
- Operational Area
- Operational Tip: Placement of Material within this Phase
- Indicative Plant Site & Stocking Area
- Placement of Material for Restoration
- Water Bodies
- Existing Woodland / Hedges / Trees
- Agricultural Land within the Application Boundary
- Native Tree & Shrub Planting



Site Name: Hendre Quarry	
Drawing Name: Phase 4	
FINAL	
Drawn By: RGD	Scale @ A3: 1:5,000
Date: March 2021	Drawing Number: H072_00045-7A



- #### Phase 4 Operations
- Mineral extraction to continue of Cefn Mawr limestone to achieve final face positions. All Cefn Mawr limestone that is not sold is to be placed in to the Western Tip.
 - Ongoing Loggerheads limestone extraction down to 130mAOD (compared to 122m aOD on the original plan).
 - Extracted rock to be processed on-site, temporarily stocked and transported off-site by HGV to point of sale.
 - Ongoing Landscape and Ecological Management of land within the Site.

Release of Mineral		
Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
793,000 Saleable Tonnes	2,679,000 Saleable Tonnes	approx. 4.4 Years

Hendre Quarry

Phase 5: Working & Restoration



Legend

- Planning Application Boundary
- Contours (2m Intervals) & Spot Levels
- Site Surround Contours
- Limit of Extraction within this Phase
- Operational Area
- Operational Tip: Placement of Material within this Phase
- Indicative Plant Site & Stocking Area
- Partial Removal of Tip
- Placement of Material for Restoration
- Restored Land
- Existing Woodland / Hedges / Trees
- Agricultural Land within the Application Boundary
- Native Tree & Shrub Planting



- Mineral extraction to continue of Loggerheads limestone within the eastern extension down to 122mAOD.
- Removal of the historical central tip. Earthmove material to be amalgamated in to the Western Quarry tip. (Majority of the western tip ready for restoration see Phase 6 for alterations.)
- Extracted rock to be processed on-site, temporarily stocked, and transported off-site by HGV to point of sale.
- On-going Landscape and Ecological Management of land within the Site.
- Revised bench profile at 122m aOD level.

Release of Mineral		
Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
4,386,000 Saleable Tonnes		approx. 5.6 Years

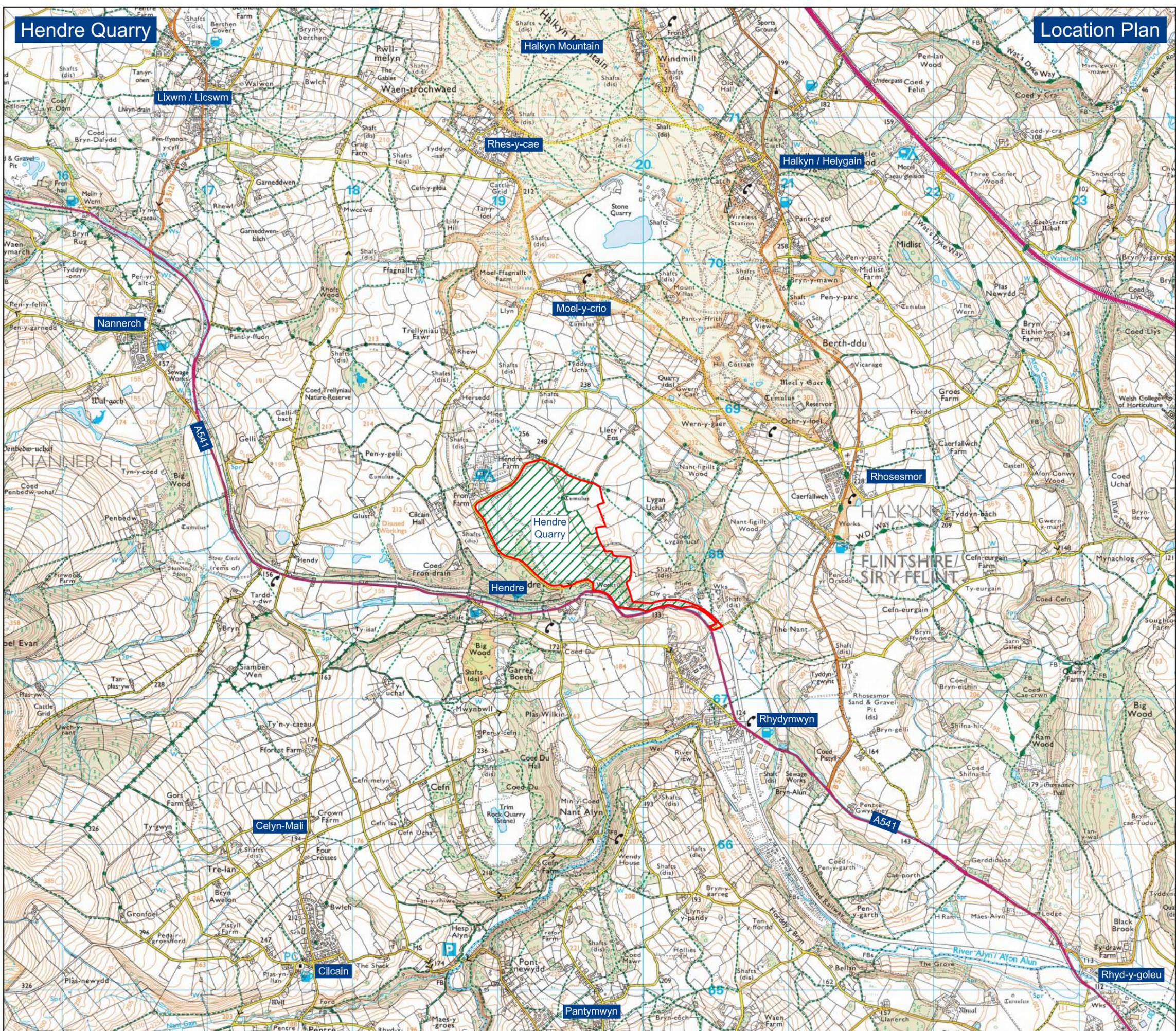


Site Name: Hendre Quarry

Drawing Name: Phase 5
FINAL

Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: March 2021	Drawing Number: H072_00045-8A





Location Plan

Legend

-  Planning Application Boundary
-  Extent of Existing Planning Permission



Site Name:
Hendre Quarry

Drawing Name:
Location Plan
FINAL

Drawn By:
RGD/RJS
Date:
March 2021

Scale @ A3:
1:25,000
Drawing Number:
H072_00045-1A



Appendix 4 – Statement from Cemex UK Operations

CEMEX UK OPERATIONS

Examination of the Flintshire Local Development Plan 2015 – 2030

Hearing Session Matter 19 – Sustainable Minerals Development (STR16, EN25)

1. CEMEX UK Operations is a leading global producer and marketer of cement, concrete and other building materials. In the UK it is the leading producer of ready-mix concrete and the manufacturer of aggregates and the third largest cement and asphalt producer, with a significant share of the roof-tile, concrete block markets. It is also the leading supplier of concrete sleepers to the UK's rail industry and a dominant supplier of pulverized fuel ash cement additives. Throughout the COVID pandemic the Company has put in place protocols that has enabled it to safely maintain construction materials to key strategic markets in the UK economy.
2. Sustainability has developed into a key consideration for CEMEX to ensure business continuity and success. The Company takes its responsibility towards sustainability very seriously, as demonstrated through its recent initiative to launch its global climate strategy to reduce its CO2 emissions from our 1990 baseline by 35% by 2030 alongside an ambition to deliver net zero carbon concrete by 2050.
3. Within Flintshire CEMEX controls the Halkyn Pant-y-Pwll Dŵr Quarry which supplies limestone to its markets in North Wales and the North West. The Company has made significant investments in the site and has made promotions for extensions as part of the local plan process to enable it maintain market continuity. Accordingly, we have been in communication with the North Wales Minerals and Waste Planning Service who have a commitment to meet their apportionment of crushed rock as set out in Table 7 of the Regional Technical Statement second review (RTS2). This has involved proactive discussions on how an extension to the site could meet the Council's shortfall in the provision of crushed rock.
4. If we are successful in achieving development plan status through an allocation then it would be our intention to bring the proposed development forward to

application at the earliest opportunity. Our proposals will be informed by the environmental impact assessment process to ensure that appropriate mitigation measures will be put in place to protect the environment and local amenities and secure a long-term sustainable restoration legacy.

Mark Kelly

Planning and Permitting Manager

CEMEX UK OPERATIONS LTD

16th April 2021