

**FLINTSHIRE COUNTY COUNCIL**

Planning, Environment & Economy  
County Hall, Mold  
Flintshire. CH7 6NF

**CYNGOR SIR Y FFLINT**

Cynllunio, Amgylchedd ac Economi  
Neuadd y Sir, Yr Wyddgrug  
Sir y Fflint. CH7 6NF

**CERTIFICATE OF DECISION**

**Application Ref: 060549**

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED) SECTION 96A  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012

**AGENT**

**APPLICANT**

Ash Resource Management  
Unit 16 Wilkinson Court  
Clewedog Road South  
Wrexham Industrial Estate  
Wrexham

**NON MATERIAL AMENDMENT – SECTION 96A**

**AMENDMENTS:** Application for a non-material amendment to planning permission  
ref: 050695

**LOCATION:** Cambrian Quarry, Gwernymynydd

In pursuance of their powers under the above Acts and Order the County Council as Local Planning Authority **Approves** the non-material amendments.

Notes to Applicants

1 The applicant is reminded that this approval of a non-material amendment does not override the requirements of the Planning permission issued under Reference 050695. This approval should be read in conjunction with that planning permission and its' conditions.

2 The non-material amendments are identified within the submissions and plans specified below:

- Application Form for a non-material amendment received by Flintshire County Council on 25 September, 2019.
- Planning and Design Statement dated 21/06/19.
- Drawing No. ASH/CQ/05 Site and Environs dated January, 2013.
- Drawing No. MIT-01 Rev C Plans and Sections received by Flintshire County Council on 25 September, 2019.
- Drawing No. ASH/CQ/09/RevB Restoration Masterplan (Revised September, 2019) dated September, 2019.
- Drawing No. ASH/CQ/10/RevB Restoration Cross Sections dated September, 2019.

3 Drawing No. ASH/CQ/09/RevA Restoration Masterplan dated October, 2013 and Drawing No. ASH/CQ/10/RevA Restorations Cross Sections dated October, 2013 that formed part of the approved plans for Planning Permission 050695 are now superseded by Drawing No. ASH/CQ/09/RevB Restoration Masterplan (Revised September, 2019) dated September, 2019 and Drawing No. ASH/CQ/10/RevB Restoration Cross Sections dated September, 2019.

4 The grilling of Mine Entrance No. 3 for bat mitigation aspect of Planning application 052207 for the approval of details reserved by condition 13 (Scheme of Bat Mitigation) and 31 (Scheme of Mitigation and Enhancement for Great Crested Newts) attached to planning permission ref: 050695 that was approved on 1/07/14 is no longer required.

5. You are reminded that this permission must be carried out strictly in accordance with the above specified plans and the conditions referred to upon this certificate of decision. If any amendments are proposed, you should NOT proceed without first obtaining the written approval of the Mineral Planning Authority.

6. Any development carried out without compliance with the plans and particulars approved and the conditions of this permission, may be liable to enforcement action. You are also advised that separate licence requirements to all consents and notices where European Protected Species are likely to be present on site may be required. Further advice on this may be obtained from Natural Resources Wales.

7. The work will require a bat licence from NRW and the above Planning and Design statement will form the basis for the licence method statement. As part of the bat licence application, the LPA will be required to confirm that the 3 tests have been considered during the planning process - namely Public need (includes public safety and/or overriding public interest of a social or economic interest), no satisfactory alternative and that the favourable conservation status of the species will be maintained. NRW have confirmed in their letter that the proposal is not likely to be detrimental to the bat population. With regards to the other two tests, reference can be made to the original committee report and reasons for approval.

Dated: 26<sup>th</sup> November, 2019.



**Chief Officer (Planning, Environment & Economy)**

**STATUTORY PROVISIONS & NOTES  
APPEALS TO THE WELSH GOVERNMENT**

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission of approval for the proposed development, or to grant permission or approval subject to conditions, he may by notice served within six months of receipt of this notice, appeal to the Welsh Government in accordance with Section 78 of the Town and Country Planning Act, 1990. The Welsh Government has power to allow a longer period for the giving of notice of appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Welsh Government is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted otherwise than subject to conditions imposed by them having regard to the statutory requirements of Section 79(6) of the Town and Country Planning Act, 1990, namely Sections 70(1), (2) and (3), and 72(1) of the Act, and to the provisions of the development order, and to any directions given under the order.

2. Notice of Appeal should be given on the prescribed form, obtainable from the Welsh Government, Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff. CF10 3NQ (Tel: 02920 825670 – Fax: 02920 825150).

3. Should the appellant wish the Welsh Government to appoint a Welsh speaking Inspector to hear any appeal against the Local Planning Authority's decision, such a request should be made to the Welsh Government when Notice of Appeal is forwarded to that office at the address given above.

**4. Purchase Notices**

If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the Welsh Government, and the new owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act, 1990.

**5. Compensation**

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Welsh Government on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 115 of the Town and Country Planning Act, 1990.

**6. General**

The enclosed decision relates to planning control only and does not cover any other statutory provisions for which consent may be required from the appropriate authority.