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## PLANNING COMMITTEE 16/07/20

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**Present:** Councillor Elwyn Edwards – Chair  
Councillor Eric Merfyn Jones - Vice-chair

**Councillors:** Simon Glyn, Anne Lloyd Jones, Berwyn Parry Jones, Huw G. Wyn Jones, Dilwyn Lloyd, Edgar Wyn Owen, Gareth A. Roberts, Eirwyn Williams, Gruffydd Williams and Owain Williams

**Also in attendance:** Gareth Jones (Assistant Head of Planning and Environment), Cara Owen (Planning Manager) Rhun ap Gareth (Senior Solicitor), Gareth Roberts (Senior Development Control Engineer), Gwawr Teleri Hughes (Development Control Officer), Dafydd Gareth Jones (Senior Planning Officer - Minerals and Waste) and Lowri Haf Evans (Democracy Services Officer).

**Others invited:** Councillors Annwen Daniels and Gareth Thomas (Local Members)

### 1. APOLOGIES

Apologies were received from Councillors Stephen Churchman and Louise Hughes.

### 2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) The following members declared that they were local members in relation to the items noted:

Councillor Gareth Thomas, (not a member of this Planning Committee), in relation to item 5.1 and 5.4 on the agenda, (planning application number C20/0244/08/LL)

Councillor Annwen Daniels (not a member of this Planning Committee), in relation to item 5.2, 5.3 and 5.4 on the agenda, (planning application number C20/0066/03/AC, C20/0067/03/AC and C20/0079/03/AC)

### 3. URGENT ITEMS

None to note

### 4. MINUTES

It was confirmed that the minutes of the meeting of this committee, held on the 2nd of July 2020, was a true record.

### 5. PLANNING APPLICATIONS

The Committee considered the following applications for development. Details of the

applications were expanded upon and questions were answered in relation to the plans and policy aspects.

**6. APPLICATION NO C20/0244/08/LL LAND NEAR GARTH SEALING END COMPOUND, MINFFORDD, PENRHYNDEUDRAETH**

The following development is located within the boundaries of Gwynedd Council Local Planning Authority: 1) Construction of Western tunnel head house (including the associated construction compound) at Garth and the permanent access track. The following development is located within the boundaries of Snowdonia National Park Local Planning Authority: 2) Construction of Eastern tunnel head house (including the associated construction compound), sealing end compound and permanent access at Cilfor: 3) A new sealing end compound on the eastern side of the Dwyryd Estuary to connect the underground cables to the overhead line. The following development does not require formal planning permission: These proposals would allow for the construction of an underground tunnel housing electricity cables and the removal of 10 existing pylons and associated overhead lines from across the Dwyryd Estuary.

Attention was drawn to the late observations form that had been received

- a) The Planning Manager elaborated on the background of the application, noting that this was an application concerning a project that had for some years now, included a substantial input from Council officers and stakeholders to the project referred to as a Visual Impact Provision (VIP) project. It was reported that the plan was led by the National Grid who had consulted extensively with the local community.

The purpose of the plan was to mitigate the visual impact the existing electricity infrastructure has on protected landscapes around the Dwyryd estuary by removing electricity pylons between Minffordd and Cilfor and under-grounding the electricity cables for a distance of 3.5km. It was added that a planning application had been submitted to the Gwynedd Council Planning Authority and the Snowdonia National Park Authority in order to enable both authorities to determine the application relevant to their areas. Attention was drawn to paragraphs 1.17 - 1.23 in the report that gave a brief description of the developments subject to the application within both Authorities and to paragraphs 1.24 to 1.30 that, due to the extensive and complex nature of the plan, referred to requirements outside the planning field. It was noted that the Planning Committee of the Snowdonia National Park Authority had already approved the application.

It was explained that the proposal involved erecting the Western tunnel end building (including the associated building compound), along with a permanent access track. Although the building was relatively substantial, it was comparable to an agricultural building in terms of its size, height and design. It was added that a Visual and Landscape Assessment had been submitted as part of the application and included landscape details and the visual impact including a photographic montage.

Based on the information and plans submitted as part of the application, it was considered that the long-term impacts of the proposal were acceptable in terms of design, scale, materials, landscaping and the impact on the landscape and that it complied with the requirements of policies PCYFF 2, 3 and 4, AMG 2 and 3 of the LDP and TAN 12: Design. It was accepted that the plan as a

whole would cause disruption, noise, vibration, dust and traffic during the temporary work of tunnelling and building the tunnel head house. Those elements that were not planning matters would be the subject of a discussion and supervision carried out by the Public Protection Unit (who deal with general nuisance) and Natural Resources Wales who issue permits for waste disposal.

It was recognised that it would be inevitable that such a development would have some impact on the general and residential amenities of nearby residents; however, in the long-term, it was not considered that the proposal would have a detrimental impact on the general or residential amenities of any nearby residents. Considering the short-term impacts of implementing the permission, it was highlighted that it was possible to manage and/or mitigate the impacts to acceptable levels by means of appropriate planning conditions. It was noted that the Public Protection Unit had noted acceptable working hours for the proposal in relation to the construction of the tunnel head building and in addition to conditions regarding noise issues, dust, traffic and working hours, nuisance etc., that derive directly from the development. The applicant can also update the situation by submitting an update to the Construction Environment Management Plan that will be the subject of a planning condition. Once the tunnelling and construction work is complete, the presence of any staff on the site would be occasional.

It was confirmed that the Transportation Unit and the Welsh Government Trunk Roads Unit had no objection to the application and had already ensured that matters such as moving equipment and waste were included in the Construction Environment Management Plan. It was noted that Natural Resources Wales had confirmed that the proposal was acceptable in terms of flooding risk and impact, and the Land Drainage Unit was satisfied with the work on the watercourse.

It was noted that extensive information had been submitted as part of the application relating to Biodiversity matters, and this was as a result of prior extensive discussions between the Biodiversity Unit and the National Grid. Mitigation and improvement measures had been proposed and these would be imposed as conditions to ensure that they are completed.

Although the development does not reach the thresholds of Strategic Policy PS1 which promotes and supports the use of the Welsh language in the Plan area, a Welsh Language Statement has been submitted and assessed by the Language Service and they were satisfied with the language statement due to the nature of the application and the work in question. It was evident from the statement that the National Grid had considered the importance of the Welsh language in the area and was very aware of the need for bilingual communication and they would use local workers where possible.

In order to provide assurances for aspects of the proposal, and as the plan as a whole was more than what is covered in this application alone, and as there was a need to ensure that no unacceptable environmental impacts occur as a result of this work, any planning permission would be the subject of a planning condition to present and receive approval to a Construction Environment Management Plan for the control of various aspects of the work. These matters would be agreed in consultation with the relevant bodies following the approval of any planning permission.

The above, and all the relevant planning matters had been considered

including local and national policies and guidance.

b) Taking advantage of the right to speak, the Chair of the Independent Stakeholders Consultation Group noted, on behalf of the applicant, the following main points:-

- That he was very supportive to the plan and had been part of this for six years.
- The plan was one of four of its type that had been chosen as an alternative plan to improve special landscapes in England and Wales.
- Aberdwyryd was a spectacular area but was spoilt by pylons and electricity cables.
- Removing the pylons would transform the area and local residents would have an opportunity to enjoy the estuary and the clear views.
- The Consultation Group includes a number of stakeholders who are supportive to the plan and have been part of the plan's details since 2015.
- That the plans for the two compounds were different in response to the public consultation.
- The National Park Planning Authority had granted the application without any objections.
- The plan would be a boost to local business and would bring environmental, leisure and economic benefits to this beautiful area.
- The proposal would restore the area's natural beauty.
- That it was an honour to be part of a scheme that will transform the area to such an extent.

c) Taking advantage of the right to speak, the Local Member made the following points:-

- That he supported the proposal
- That the pylons were like scars on beautiful and important land.
- Discussions with the National Grid were to be praised - they had been very open.
- That the road to the head of the tunnel was the original road to the quarry before the by-pass was built and therefore had a history of heavy traffic.
- Supported the proposal to remove pylons from a beautiful estuary.

ch) It was proposed and seconded to approve the application.

d) During the ensuing discussion, the following points were made by members:

- Removing the pylons would be an improvement for the area and for tourism
- Views would improve once the pylons had been taken down
- The plan was certainly one to welcome - it was an improvement in a sensitive area
- Welcomed the intention to employ local people
- Welcomed the principle, but it was difficult to support a plan that would contribute to energy poverty

**RESOLVED to approve the application with the following conditions:**

- 1. 5 years**
- 2. In accordance with the plans and assessments submitted as part of the application.**
- 3. The colour of the fence**

4. Highways
5. Trunk Roads
6. NRW Conditions
7. Welsh Water
8. Working hours - and other Public Protection conditions
9. Biodiversity
10. Archaeological
11. CEMP
12. Landscaping and monitoring management plan

**Notes**

**Highways**

**Welsh Water**

**All operations that include the disposal, treatment or recovery of tunnel outputs should be achieved in accordance with the waste hierarchy and the objectives of the outline waste management plan.**

**Contact the Gwynedd Planning Service and Natural Resources Wales in relation to the requirements of the Environmental Licensing Regulations or planning status of any waste management facility or other site noted for the receipt, treatment or disposal of any waste arisings.**

**7. APPLICATION NO C20/0066/03/AC OAKLEY FFESTINIOG QUARRY, BLAENAU, LL41 3ND**

Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 1 on planning permission C01M/0014/03/MW to allow the continued operation of an established business for a further 20 years until 31 January 2040.

Attention was drawn to the late observations form that had been received

- a) The Senior Planning Manager – Minerals and Waste expanded on the background of the application, noting that this was one of three planning applications to amend conditions on an existing planning permission and operation at the Oakeley Quarry site in order to extend the duration of the minerals operation and secure the operation of the minerals plant. It was noted that it was an application to vary condition 1 on a planning permission granted in 2001, to allow the continued use of an ancillary storage area, shed and hardstanding for an additional 20 years.

It was highlighted that all the relevant policies had been considered and no objections had been received. It was noted that the plant had operated without undue nuisance under the terms of the existing conditions for many years and issues relating to noise and dust were well established. However, it was noted that the Public Protection Unit had stated the need to update the noise and dust conditions on the site. It was reported that a Scheme of Restoration had been included with the application and complied with Policy MWYN 3 of the Anglesey and Gwynedd Joint Local Development Plan and Policy MWYN 9. The scheme of restoration included the creation of a landform that would recreate and replicate natural ground characteristics and drainage features.

- b) Taking advantage of the right to speak, the Local Member made the following points:-
  - She was supportive of the plan

- There was a need to protect Afon Bowydd from pollution
- c) It was proposed and seconded to approve the application.
- ch) During the ensuing discussion members made the following main observations:
- To approve the application that would be a boost for the local economy
  - Welcomed that the proposal would secure work for a further 20 years
  - Suggestion to include a condition to protect afon Bowydd from pollution
- d) In response to the suggestion to include a condition to protect afon Bowydd from pollution / foul water the Senior Officer - Minerals and Waste stated that it was Natural Resources Wales who were responsible for permits for this work, and it was possible to review /update conditions of procedures on how to deal with sediment.

**RESOLVED: To delegate powers to the Assistant Head of Department to approve the application, subject to the following amendment to Condition 1 of planning permission C01M/0014/03/MW, to allow the continued use of ancillary land for the storage of raw materials and feedstock:**

- **Permission is hereby granted for a limited period up to 31st January 2040, by the expiry of which period all buildings, plant, machinery and equipment shall have been removed and the site thereafter restored in accordance with the scheme of restoration received on the – 14 April 2020.**
- **In addition to the variation to Condition 1 of the permission, the plant feedstock storage area, hardstanding and storage shed should be conditioned as ancillary to the principal use of the site as a minerals plant that processes slate waste to produce granulated slate products and powders. This would secure that the site could continue to operate in accordance with the revised output of no more than 9 loads dispatched during any working day (Monday to Friday) and no more than 2 loads on any Saturday, Sunday, Bank or Public Holidays.**
- **In the interests of consistency and enforceability, the following suite of regulatory controls imposed on the sister permission (C03M/0010/03/MW), relating to noise and air quality should also be duplicated;**
  - **Annual noise monitoring (unless otherwise agreed in writing)**
  - **Limiting daytime noise level to 50db**
  - **Limiting night-time noise level to 40db**
  - **No lorries shall be dispatched from the site and no raw materials shall be brought onto the site outside 07.00 hours & 22.00 hours.**
- **Note to applicant with the statutory advice of Network Rail and Natural Resources Wales appended to the decision notice.**
- **Note to applicant to encourage the site operator to provide bilingual signage where possible in order to improve the bilingual image of the company.**

**8. APPLICATION NO C20/0067/03/AC OAKLEY FFESTINIOG QUARRY, BLAENAU,**

**LL41 3ND**

Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 1 on planning permission C03M/0010/03/MW to allow the continued operation of an established business for a further 20 years until 31 January 2040.

Attention was drawn to the late observations form that had been received

- a) The Senior Planning Manager – Minerals and Waste expanded on the background of the application, and explained that this application was to vary conditions imposed on the original permission granted in 1990 to develop land without conforming to conditions to allow the continued operation of the plant from 07.00 hours to 19.00 hours from Monday to Friday (i.e. 24 hour operation) together with an increase in output from 6 to 9 loads of material per working day. The permission also allowed amendments to the restrictions on noise emissions subject to conditions that require the operator to operate a noise monitoring scheme.

It was noted that no objections had been received to the application except for a letter stating concerns that emissions from the plant may contain gases that would impact the health and well-being of neighbouring residents. Consequently, it was highlighted that the Public Protection Service demanded that conditions to control noise, dust etc., continue on the site. It was considered that the site can operate without undue nuisance to the amenities of the area under the terms of relevant noise and air quality conditions.

There is unlikely to be any apparent change in site working conditions or visual impact of the workings and the development will not detract from the positive features in the landscape or those elements that contribute to the distinctive character of the historic landscape or candidate World Heritage Site. Slate waste will be processed and treated to produce roofing felt and the supply of material for the processing plant is not entirely dependent on the remaining reserve of minerals held within the slate tip. The restoration scheme will include the treatment of the exposed ground once the operations have ceased.

In terms of securing an alternative supply of materials, the principle of secondary mineral extraction is acceptable and in terms of local need, the development conforms to all the relevant policies.

- b) Taking advantage of the right to speak, the Local Member made the following points:-
- She supported the plan
  - There was a need to protect Afon Bowydd from pollution
- c) During the ensuing discussion, the following main observations were noted by members:
- Approving the application would be a boost to the local economy
  - Welcomed that the proposal would secure work for a further 20 years
- ch) It was proposed and seconded to approve the application.

**RESOLVED: To delegate powers to the Assistant Head of Department to approve the application, subject to the following amendment to Condition 1 of planning permission C03M/0010/03/MW, to allow the continued operation**

of the slate processing plant.

- **Permission is hereby granted for a limited period up to 31 January 2040, by the expiry of which period all buildings, plant, machinery and equipment shall have been removed and the site thereafter restored in accordance with the scheme of restoration received in - March 2020.**
- **Development shall be subject to the same schedule of conditions under the previous grant of planning permission C03M/0010/03/MW to control noise, dust, vibration, protection of the water environment, hours of operation, output, compliance with the application plans, review of operations and restoration but specifically;**
  - **Limiting daytime noise level to 50db**
  - **night-time noise level to 40db**
  - **Shut down of primary crusher overnight**
  - **All doors/shutters to be kept closed overnight**
  - **No restarting of plant after 22.00 hours (if the plant were to break down overnight it will not be restarted until the following day)**
  - **The external crusher shall not be operated between 07.00 hours & 22.00 hours.**
  - **No lorries shall be loaded outside 07.00 hours & 22.00 hours.**
  - **Overnight finished product shall be stored in the main building until the following day**
- **Note to applicant with the statutory advice of Network Rail and Natural Resources Wales appended to the decision notice.**
- **Note to applicant to encourage the site operator to provide bilingual signage where possible in order to improve the bilingual image of the company.**

**9. APPLICATION NO C20/0079/03/AC OAKLEY FFESTINIOG QUARRY, BLAENAU, LL41 3ND**

Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 1 on planning permission C10M/0103/03/MW to allow the continued operation of an established business for a further 20 years up until 31 January 2040.

Attention was drawn to the late observations form that had been received

- a) The Senior Planning Manager – Minerals and Waste expanded on the background of the application, noting that it was an application to allow for the continued removal of material from slate waste tips for an additional 20 years.

It was reported that the supply of slate waste for the processing plant was not entirely dependent on the remaining reserve of mineral held within the slate tip,



and it was anticipated that this would continue for approximately another five years. In order not to delay the implementation of a scheme of restoration for the disturbed tip surfaces, it is considered that permission is granted for a further five years. Any amendment to Condition 1 of planning permission C10M/0103/03/MW will reflect the tonnage of mineral reserve available within the application area.

Having discussed the matter further with the applicant, it has been agreed that a 5-year permission would provide a sufficient time-scale for the removal of the remainder of the slate tip.

The work of removing the tips would be subject to a phased scheme of extraction with potential for a more positive improvement for the long-term once the restored areas are blended into the surrounding hillsides and natural vegetation. It was considered that the site could operate without undue nuisance to the amenities of the area under the terms of existing conditions for the removal and processing of slate.

The element of using recycled/reusing materials was supported to place less pressure on primary resources. In terms of securing an alternative supply of materials, the principle of secondary mineral extraction was acceptable and in terms of local need, the development complied with all the relevant policies.

In response to a question asking if the tips would disappear, it was noted that the tips would be graduated and the materials used for the scheme of restoration.

- b) Taking advantage of the right to speak, the Local Member made the following points:-
- She was supportive of the plan
  - There was a need to protect Afon Bowydd from pollution
- c) It was proposed and seconded to approve the application.

**RESOLVED: To delegate powers to the Assistant Head of Department to approve the application, subject to the following amendment to Condition 1 of planning permission C10M/0103/03/MW to reflect the tonnage of mineral reserve available within the application area:**

- **The extraction of mineral waste and ancillary operations shall cease by 31/12/2025. All plant, machinery, buildings structures and erections related to or sited as a consequence of this planning permission shall be removed by that date. Restoration of the site shall be completed by 31/12/2027.**
- **Development will be subject to the same schedule of conditions under the previous grant of planning permission C10M/0103/03/MW to control noise, dust, vibration, protection of the water environment, hours of operation, output, compliance with the application plans, proposed landform, ecological mitigation, review of operations and progressive restoration.**
- **Note to applicant with the statutory advice of Network Rail and Natural Resources Wales appended to the decision notice.**

- **Note to applicant to encourage the site operator to provide bilingual signage where possible in order to improve the bilingual image of the company.**

The meeting commenced at 11.00 am and concluded at 12.30 pm

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**CHAIRMAN**