

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Number: 4

Application Number: C17/0011/19/MW

Date Registered: 02/02/2017

Application Type: Minerals

Community: Bontnewydd

Ward: Bontnewydd

Proposal: Application for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including;

- **Use of land as an extension to the existing site compound area and provision of a maintenance shed, office accommodation, welfare and car parking facilities, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and construction of a haul route (temporary use for up to 10 years),**
- **Construction of a new, permanent haul road on the northern boundary of the existing quarry with temporary connection to the proposed A487 Caernarfon to Bontnewydd bypass route during the construction period,**
- **Continued extraction of minerals, removal of material from a mineral working deposit and existing stockpile of materials,**
- **Construction of a hardstanding and siting of plant machinery for the processing and screening of materials,**
- **Disposal of inert waste materials for long-term quarry engineering / restoration works.**

Location: Seiont Works, Ffordd Felin Seiont, Caernarfon, LL55 2YL

Crynodeb o'r Argymhelliad: TO AUTHORISE THE SENIOR MANAGER OF PLANNING AND PUBLIC PROTECTION SERVICE TO DETERMINE THE APPLICATION UNDER DELEGATION

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

1. Description:

- 1.1 The Welsh Ministers propose to improve the A487 Trunk Road by providing a 9.7km long bypass for the settlements of Caernarfon and Bontnewydd. The A487 Trunk Road forms part of the strategic road network in North Wales that links with the A55 corridor further along the coast. The bypass scheme will relieve congestion problems in the Caernarfon and Bontnewydd area, providing a link between improved sections of Trunk Road and addressing the requirement for a consistent quality road infrastructure.
- 1.2 This is one of two current planning applications submitted for development proposals in conjunction with the Caernarfon to Bontnewydd bypass scheme. All of the elements that form part of the sister application C17/0107/19/LL, for the use of the former brickworks site as a contractor's compound and engineering works to widen the existing quarry haul road, are inclusive in the development proposals under consideration here.
- 1.3 The application site is a brick clay quarry and former brickworks factory located to the south of Caernarfon and consists of quarry workings, large areas of hardstanding on both sides of the River Seiont, rough pasture along the upper face of the workings to the east and a vehicular access connecting Seiont Mill Road and the roundabout at Pont Seiont. The quarry has been excavated into what was formerly a low rounded hill known as Pen y Bryn, gradually ascending eastwards and south from the Afon Seiont towards Caeathro. The extension of the quarry workings during the 20th Century included the exploitation of the mineral reserve to approximately 13 metres below the river level. Large volumes of overburden and glacial till were removed during the last campaign contract of extraction in 2000, with the materials placed in a bund alongside the northern boundary of the site and planted-up with native trees and shrubs to provide screening for the residential properties located to the north. An area on the south-eastern edge of the working face is designated as a Regionally Important Geological/Geomorphological Site (RIGS).
- 1.4 The applicant has undertaken a full pre-consultation exercise on the development proposals in accordance with the in accordance with The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (the PAC Regulations). A full report with a summary of the consultation responses is included with the planning application.
- 1.5 The development proposals include for the resumption of mineral extraction in the quarry under the existing planning permission but also to further import surplus materials from the bypass scheme in works of restoration and to improve safety and slope stability on the quarry faces. The scheme will also include engineering works to widen the existing quarry haul road on south eastern working face together with a new haul road, extending the workings on the north-eastern side for use in the bypass construction. Allied to this scheme, the small compound established on the brickworks yard will be extended to provide a secure contractor's compound with offices, welfare facilities, car parking, a plant maintenance shed, asphalt & concrete batching plants, materials processing facility and banded fuel store for the duration of the bypass contract.
- 1.6 The authority has consulted twice on this application to take account of additional information submitted in accordance with Regulation 22 of the EIA Regs. The additional information confirms that the northern haul route will only be required in connection with the bypass construction works and no longer proposed as a permanent vehicular access to the quarry.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

1.7 There are economic, logistical and environmental benefits to be derived from the use of the quarry in connection with construction of the proposed A487 Caernarfon to Bontnewydd bypass. Seiont Quarry is located immediately alongside the proposed bypass route and will satisfy most of minerals requirements of the scheme and the availability of the site would halve the number of HGVs journeys and mitigate for the amount of HGV miles on public roads over the 2 years of construction. Consequently, there will also be considerable savings in the amount of fuel used, reductions in vehicle emissions and the bringing forward of restoration proposals for the site.

1.8 The brickyard to the west of the River Seiont would be excavated to remove 11,000m3 of made-ground to provide infill material to form a basin with a shallow, permanent waterbody and restored for nature conservation and amenity.

Environmental Impact Assessment:

1.9 The application is accompanied by an Environmental Impact Assessment following a positive screening opinion issued in July 2015. The authority has agreed to the key issues to be addressed in the Environmental Statement in a formal scoping opinion issued in November 2015 including; Landscape and Visual Impact Assessment, Waste Planning Assessment (TAN 21): Waste, Ecology and Nature Conservation, Contaminated Land Assessment, Cultural Heritage & archaeological recording of remaining brickwork features, Hydrology, Hydrogeology, Water Quality, Drainage, Flood Risk assessment in accordance with TAN 15 (Development & Flood Risk), Traffic & Transport Impact Assessment, Noise & Vibration Impact Assessment, Air Quality Assessment, Lighting, Employment/economic considerations, Geology, Soils, Geotechnical Assessment & RIGS considerations (Regionally Important Geological Site), Other Matters (public rights of way, environmental enhancement, community effects & potential community benefit, socio- economic considerations), Cumulative impacts with the proposed road scheme, Non-native invasive plant species assessment, Assessment in the context of National, Regional and Local Planning Policy requirements and guidance, Afteruse Proposals & Restoration Plan.

1.10 Any indirect impacts on European environmental designations will need to be considered separately as part of the HRA undertaken in accordance with Regulation 61 of the Habitats and Species Regulations 2010.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 3.1.2 of Planning Policy Wales emphasise that decisions should be in accordance with the Development Plan, unless material considerations dictate otherwise. Planning considerations include National Policy and the Unitary Development Plan 2001-2016.

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 Gwynedd Unitary Development Plan 2009:

- STRATEGIC POLICY 1 – Taking a Precautionary Approach
- STRATEGIC POLICY 2 – The Natural Environment
- STRATEGIC POLICY 3 – The Built and Historic Environment
- STRATEGIC POLICY 5 – Developments Which Create Risk

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- STRATEGIC POLICY 6 – **Land Redevelopment and Reuse**
- STRATEGIC POLICY 7 - **Minerals**
- STRATEGIC POLICY 8 – **Waste**
- STRATEGIC POLICY 12 – **Transport**
- STRATEGIC POLICY 16 – **Employment**

- POLICY A1 - **Environmental or Other Impact Assessments.** Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact, in the form of an environmental assessment or assessments of other impacts.
- POLICY A3 - **Precautionary Principle.** Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt at the end of that the impact can be avoided or alleviated.
- POLICY B3 - **Developments Affecting the Setting of Listed Buildings.** Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a number of criteria aimed at safeguarding the special character of the Listed Building and the local environment.
- POLICY B6 - **Caernarfon Castle and Town Walls World Heritage Site.** Refuse proposals which will cause substantial harm to antiquities at the Caernarfon Castle World Heritage Site.
- POLICY B7 - **Sites of Archaeological Importance** - Proposals that will damage or destroy archaeological remains of national importance or their setting (whether scheduled or not) will be refused. A development which affects other archaeological remains will be permitted only if the need for the development overrides the significance of the archaeological remains.
- POLICY B8 - **The Llŷn And Môn Areas of Outstanding Natural Beauty (AONB)** - Safeguard, maintain and improve the character of the Area of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site.
- POLICY B12 - **Protecting Historic Landscapes, Parks and Gardens** - Protection of landscapes, parks and gardens of special historic interest in Wales from developments which will cause significant harm to their character, appearance or setting.
- POLICY B14 - **Protecting the Landscape Character of the Snowdonia National Park** - Safeguard the character of the Snowdonia National Park landscape by refusing proposals which are visually obtrusive and/or are located insensitively and uncongenially within the landscape.
- POLICY B15 - **Protection of International Nature Conservation Sites** - Refuse proposals which are likely to cause significant damage to the soundness of nature conservation sites of international importance unless they conform to a series of criteria aimed at the management, enjoyment and protection of recognised features within such sites.
- POLICY B16 - **Protecting Nationally Important Nature Conservation Sites** - Refuse proposals which are likely to cause significant damage to nature conservation sites of national importance unless they conform to a series of criteria aimed at the management, enjoyment and protection of recognised features within the sites.
- POLICY B17 - **Local Wildlife Sites** - Refuse proposals that are likely to cause significant harm to sites of regional or local significance unless they comply with a set of criteria which aim to protect, promote and manage recognized features of these sites.
- POLICY B18 - **Protecting Regionally Important Geological /Geomorphological Sites (RIGS)** - Refuse proposals which are likely to cause significant damage to Regional Important Geological/Geomorphical Sites (RIGS) unless the need for the proposals outweighs the value of the site.
- POLICY B19 - **Protected Trees, Woodland and Hedgerows** - Refuse proposals which involve loss of or damage to protected trees, woodlands or hedgerows unless the economic and/or social benefits of the development outweigh any damage.
- POLICY B20 - **Species and Their Habitats That are Internationally and Nationally Important** - Refuse proposals which are likely to cause disturbance or unacceptable damage to

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

- POLICY B21 - **Wildlife Corridors, Habitat Linkages and Stepping Stones** - Safeguard the soundness of landscape features which are important to wild flora and fauna unless the reasons for the development outweigh the need to maintain the features and mitigating measures can be provided.
- POLICY B23 - **Amenities** - Protection of the amenities of local communities through securing that proposals comply with a series of criteria which aim to protect recognized features and the amenities of the locality.
- POLICY B27 - **Landscaping Schemes**. Ensure that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.
- POLICY B28 – **Unstable Land**. Refuse proposals on unstable land or adjoining land unless they meet a series of criteria aimed at avoiding damage to the development and to the stability of adjoining land.
- POLICY B30 - **Contaminated Land or Buildings**. Ensure that proposals for developing contaminated land or buildings are refused unless they conform to a series of criteria aimed at managing or restricting the pollution.
- POLICY B32 - **Surface Water** - Proposals that do not include flood minimisation or mitigation measures that will reduce the volume and rate at which run off reaches rivers and other watercourses will be refused.
- POLICY B33 – **Development That Creates Pollution or Nuisance** - Protection of public health, safety or amenities, or to the quality of the built or natural environment as a result of higher levels of pollution.
- POLICY C3 – **Re-using Previously Developed Sites**. Proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate.
- POLICY C9 - **Mineral Development Outside the Llyn Area of Outstanding Natural Beauty** - To permit sites for mineral development based on a series of criteria which involve the principles concerning the amenities of local residents, landscape impacts, operational details and the means of working the material produced.
- POLICY C12 - **Buffer Zones** - Planning applications for mineral extraction within the buffer zones identified on the proposals maps will be refused unless a new buffer zone can be provided to reflect the minimum distances referred to in MTAN1: Aggregates.
- POLICY C14 - **Restoration and Aftercare** - Applications for mineral working will be refused unless a scheme for restoration, aftercare and afteruse, including details of proposed funding is included.
- POLICY C15 - **Removal of Material From Mineral Working Deposits** - Proposals to remove material from a mineral working deposit will be granted subject to specific development criteria including all of the criteria set out in policies C9 & C10.
- POLICY C19 – **Borrow Pits** - Borrow pits will be approved on condition that they will bring demonstrable benefits to the environment and that they will be developed in accordance with mineral planning policies.
- POLICY C22 - **Waste Management Facilities** - Proposals for waste management facilities may be approved subject to their being acceptable in terms of the ‘Best Environmental and Practical Option’, the waste disposal hierarchy, the proximity principle and provided a need for the development within the local community has been proved.
- POLICY C24 - **Landfill/Landraise And Hazardous Waste Collection/Disposal Sites** - Proposals for landfill/landraise and waste collection/recycling must conform with a number of criteria regarding need, location, scale, ability to manage the site, acceptable after-use provision, alleviating measures, traffic impact and assurance that the development will not harm conservation interests.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- POLICY CH25 – **New Roads and Road Improvements** - Proposals for improvements to existing roads and to new road sections will be permitted if there is sufficient justification for the development based on economic and public safety issues and provided there is no unacceptable environmental impact. Developers must prove that other options have been considered and that the plan in question will least affect the environment selected and will conform with a series of specific criteria.
- POLICY CH26 – **Safeguarding Proposed Road Routes** - Land required for specific road improvements will be safeguarded from other developments (as shown on the proposals map).
- POLICY CH33 - **Safety on Roads and Streets** - Development proposals will be approved only if they conform with specific development criteria including safe vehicular access, standard of the existing road network to accommodate the flow of traffic from the development and traffic calming measures.
- **Gwynedd SPG 2009 - Landscape Character Areas.**
- **Gwynedd SPG 2009 – Planning and the Welsh Language**
- **Gwynedd Design Guidance 2004.**

Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 Composite Version incorporating Matters Arising Changes

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 6: Allieviating and Adapting to the Effects of Climate Change

Strategic Policy PS 10: Providing Opportunity for a Flourishing Economy

Strategic Policy PS 16: Conserving and/or Enhancing the Natural Environment

Strategic Policy PS 17: Preserving or Enhancing Heritage Assets

Strategic Policy PS 18: Waste Management

Strategic Policy PS 19: Minerals

POLICY AMG 2: Protecting and Enhancing Features and Qualities that are distinctive to the Local Landscape Character

POLICY AMG 4: Local Biodiversity Conservation

POLICY AMG 5: Protecting Sites of Regional or Local Significance

POLICY AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

POLICY AT 4: Protection of Non-Designated Archaeological Sites and Their Setting

POLICY CYFF 1: Development Criteria

POLICY CYFF 3: Design and Landscaping

POLICY CYFF 5: Water Conservation

POLICY GWA2: Waste Management Outside Development Boundaries and Allocated Sites

POLICY TRA 1: Transport Network Developments

POLICY TRA 4: Managing Transport impacts

POLICY MWYN 4: Mineral Developments

POLICY MWYN 6: Buffer Zones Around Mineral Sites

POLICY MWYN 9: Borrow Pits

POLICY MWYN 10: Restoration and Aftercare

2.4 National Policies

- Policies, guidance and general principles set out in the Welsh Government Planning Policy Wales Edition 9, November 2016,
- Well-being of Future Generations Act (Wales) 2015 – Welsh Government,
- Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas,
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) TAN 5: Nature Conservation and Planning, TAN 11: Noise, TAN 15:

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Development and Flood Risk, TAN 18: Transport, TAN 21: Waste, TAN 23: Economic Development,

- Policies, guidance and general principles set out in the Welsh Assembly Government Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004),
- Collections Infrastructure Markets Sector Plan (CIMS) 2012,
- North Wales Regional Waste Plan 1st Review 2009,
- Guidance and general principles set out in the Regional Aggregates Technical Statement Review August 2014.

3 Relevant Planning History:

- 3.1 Planning Permission No. 390 granted subject to conditions on 22 November 1951 for the continuation of workings at Peblig and Seiont Brickworks Caernarfon - Material has been extracted at the site for approx 100 years and the site has been worked on a regular basis since that time.
- 3.2 C00A/0441/14/MW dated 10th May 2007 – Environment Act 1995, Determination of conditions and scheme of working under initial review (ROMP) of permission ref. 390 dated 22 Nov 1951.
- 3.3 C00A/0442/14/MW granted subject to conditions on 9th May 2007 – Continuation of use of land for the re-use/dispersion of mineral waste on the former railway line.
- 3.4 C01A/0750/14/TC – Certificate of Lawful Use or Development dated 6th February 2002 for the existing use of the site as a brick stocking area.
- 3.5 C15/0977/19/LL granted subject to conditions on 28th October 2015 for the change of use of land for the siting of 3 temporary buildings, parking areas, 2 storage containers together with security fencing in relation to constructing the Caernarfon by-pass.
- 3.6 Quarry ceased operation in 2008 with the brickworks building and site office demolished in 2010 and 2013 respectively.

4. Consultations:

Caernarfon Town Council: No Response

Bontnewydd Community Council: No Objection

Gwynedd Council Transportation Officer: No Response

Welsh Government Transportation Unit: Welsh Government as highway authority for the A487 Trunk Road advises that it does not issue a direction in respect of the application.

Waunfawr Community Council: Object to the application on the following grounds;

- Raised concerns in response to consultation on the first draft of proposals which included a permanent northern haul route to the A4085, which was to be removed following discussions on the PAC consultation exercise. Provision of a new permanent access to the quarry from the A4085,
- Concerns about the longevity of a permanent landfill facility in the area & the volume of materials stated in the application details. Amenity impacts of noise, dust & detritus on the local highway,
- Timescale of 10 years for operations ancillary to the requirements of the bypass construction works,
- Site subject to the processes of natural regeneration,
- National & local policy on waste hierarchy,
- Alternative proposals to be considered for the site.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Gwynedd Countryside & Access (PROW):

No Response

Dwr Cymru:

- No Response to this application but comments submitted in response to consultation on the sister application, ref. C17/0107/19/LL considered relevant.
- The content of Dwr Cymru's response to the pre-application consultation exercise has been acknowledged in the ES in that they would object to the disposal of surface water to the public sewer.
- As statutory sewerage undertaker, it is our duty to carry out assessments of the anticipated foul discharges from the proposed development, as well as mitigating measures to enable a connection to the public sewerage system. In this case, however, the proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme.
- Since the proposal intends utilising an 'above ground mobile storage tank', Dwr Cymru offer no further comments; however should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred, Dwr Cymru must be re-consulted on the application.

Gwynedd Archaeological Planning Service:

- Cultural Heritage assessment does not contain sufficient information enable the development control archaeologist to provide advice on the proposals. Assessment not carried out in accordance with the professional or planning requirements for such work.
- Archaeological assessment should be completed in accordance with a specification to be agreed in advance with the Local Planning Authority in order to inform the planning decision.

Scottish Power:

No Response

Inspectorate of Quarries:

No Response

Welsh Historical Gardens Trust:

No Response

CADW:

- Agree with the cultural heritage assessment that the impact of the proposals on the Morfa Common Grade II registered Park would not be significant,
- Proposed works within 1.3km of Caernarfon Castle and Town Wall but will not be visible or have an impact on the Outstanding Universal Value of the World Heritage Site.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Local Flood Authority: No objection, but issue the following advice and conditions;

Several watercourses run through or are adjacent to the site. Recommend the following conditions on the grant of any permission in the interests of the amenities of the area and neighbouring properties;

- The developer shall safeguard the watercourse and submit details of such provision for the approval of Gwynedd Council in accordance with Section 23(1) of the Land Drainage Act 1991,
- The cost of safeguarding the watercourse shall be borne by the developer,
- If it is the intention of the applicant to discharge surface water to the watercourses that flow through or are adjacent to the site, the applicant shall submit details of the proposals to Natural Resources Wales for approval.

The above conditions shall also apply if it is the intention of the developer to culvert the watercourse in accordance with Section 263 of the Public Health Act and Section 23(1) of the Land Drainage Act 1991.

Gwynedd Council
Biodiversity Unit:

- ES contains several ecological reports including a Phase 1 Habitat Survey, badger, otter & ornithological surveys. Investigation of protected species under the Wildlife and Countryside Act 1981, nesting birds, bats, water vole, badger, otters & reptiles taken from surveys in 2015 for the proposed Caernarfon bypass scheme, which includes part of the site,
- Invertebrate & reptile surveys insufficient,
- Site inactive since 2008 and during that time the quarry has developed into a site of high biodiversity value, including the establishment of planted trees & natural regeneration. Proposal will include considerable tree loss as a result of regrading the quarry faces to accommodate the haulage routes,
- Although the habitats survey was not carried out at the optimal time of year, it can be established that the quarry contains a range of habitats, many of which will be affected by the development proposals. Habitats comprise of the following including those of principle importance in Wales under Section 7 of the Environment Act 2016; neutral grassland, wet seepages, agriculturally improved grassland, scrub, broad-leaved woodland, hedgerows, lake, open water, ditches, river, bare ground (concrete & clay), debris (bricks & concrete) & open mosaic habitat of previously developed land,
- Clay substrate, concrete hardstanding and several ditches and pools host to an abundance of vegetation; former brick storage area in the river meander contains Section 7 habitat, lowland meadow grassland which requires further investigation

- Although Seiont Quarry is not designated as a Wildlife Site, the Biodiversity Service have inspected the site and state that it would qualify as it is likely to support many species of national and local importance including, nesting birds, dragonflies and damselflies, reptiles, bats, badger, otter & invertebrates, specifically the Dingy Skipper butterfly listed under section 7 as a UK biodiversity priority species,
- Lesser horseshoe bat hibernation roost recorded in a derelict building in the former brick storage area but also brown long-eared, common pipistrelle, soprano pipistrelle myotis and noctule bats present within the vicinity of the site. Quarry contains suitable foraging habitats for lesser horseshoe bats such as scrub, grassland and woodland. Proposal could impact on foraging habitat & severance of flight lines,
- Proposal will result in the loss of habitats of national biodiversity importance including 9.4ha of open mosaic habitat, although such habitat may re-establish given enough time once development ceases. Development will also involve the loss of hedgerow, neutral grassland and a lake,
- Restoration should include proposals for the enhancement of biodiversity on the site including,
 - Plan for the control and eradication of invasive species
 - Only reseed with green hay from local species rich hay meadow,
 - Enhance existing bat roost
 - Creation of a mosaic of small ponds across the base of the quarry void
 - Create a larger area of species rich grasslands and features for species e.g. bat roosts, otter holt, hibernation sites for reptiles & sufficient areas for nesting birds
 - No grazing
 - Do not create a flood attenuation pond in the meander
 - Mitigation plan for protected species
 - Scheme of monitoring and aftercare
 - No topsoil disposal
 - Restore site to nature park

Habitats and Species Regulations Assessment

Under the Habitats Regulations 2010, plans and projects that are not for the management of a European Site, should be assessed for their significant effects to any European Sites.

There are several European Sites that could possibly be affected by this proposal at the Brickworks:

- Menai Strait and Conwy Bay SAC
- Glynllifon SAC
- Afon Gwyrfai a Llyn Cwellyn SAC

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Summary

The proposal to use the site as a site for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including compound, offices, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of a haul route, at the disused Caernarfon Brickworks, is not likely to have a significant effect on any sites designated under the Habitats and Species Regulations 2010.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Public Protection:

- Proposal differs to the previously regulated activity as a brick manufacturing plant in that all of the site activity/works are to be carried out in the open rather than contained within a building. Key environmental issues to be addressed include Drainage, Air Quality, Noise Emissions and Potentially Contaminated Land,
- Due to the number of personnel likely to be requiring welfare facilities the preference of Public Protection is that foul water drainage should be mains provision,
- Potential increase in extraction of material from the quarry and it is important that any air pollutants arising from the works do not have an adverse impact on public health. The main area of concern would be the release of fugitive emissions to air during the construction phase and resulting from HGV traffic movements. It is recommended that a dust management scheme is prepared and put into place with appropriate conditions to control PM10 & PM2.5 particulate emissions but also Nitrogen Dioxide NO₂ levels,
- Appropriate conditions to control dust emissions but also the requirement for a dust survey to be undertaken for a minimum period of 6 months at agreed locations. Crushing, screening conveying and other operations likely to give rise to airborne dust should be contained within appropriate housing. Crushing and screening operations require a permit under the Environmental Permitting Regulations 2010,
- Details of the vehicle cleaning facilities to be installed including location, design, specification and controls to be used to ensure correct usage shall be submitted to the for approval in writing. The approved facilities shall thereafter be maintained in full working order and used by all HGV's leaving the site to ensure that no mud, dust or other deleterious material is transferred onto the public highway when leaving the site. All vehicles transporting minerals from the site, of a size less than 100mm in any dimension, shall be securely sheeted.
- The applicant has quoted the use of previous noise levels for the 2007 ROMP determination set at individual properties. No supporting evidence to suggest that the current background levels are the same as the previous assessment undertaken. The Noise Report should be amended to include an indicative survey of background noise to support and justify the use of noise conditions. In the absence of any additional noise report it is recommended the following conditions are placed on the granting of the application:-
- During normal working hours (0700-1900) the noise rating level should not exceed 55dB(A) LAeq,1hr (free field). Evening (1900-2200) limits should not exceed background level by more than 10dB(A) and night time limits should not exceed 42 dB (A) LAeq, 1hr free field at noise sensitive dwellings. (MTAN1). Temporary operations not to exceed 70 dB LAeq, 1h (free field) for up to 8 weeks in a year.

- Note: British Standard BS.4142:2014 'Methods for rating and assessing industrial and commercial sound', shall be used to assess and demonstrate compliance /conformity with the boundary noise limit.
- Specific plant and associated noise control or mitigation methods must be approved by the local authority prior to the installation and operation of the plant and equipment including specific sound power levels prior to use on site.
- Operational noise from road traffic has the potential to impact on properties located between the quarry and Pont Seiont. Hours of operation should be restricted so as to avoid excessive movement of HGVs travelling to or from the quarry through residential areas at night time. To reduce any impact the site can be conditioned to ensure deliveries and movement of processed materials shall not take place except within the following times and days:
 - between the hours of 0700 and 1800 Monday to Friday inclusively;
 - between the hours of 0700 and 1300 on Saturdays;
 - and there shall be no deliveries on Sundays or Public Holidays;
- Written record of all haulage movements to be made available upon written request of the Mineral Planning Authority,
- ES includes an assessment of potentially contaminated land, '*Site Condition Report and Ground Contamination Investigation and Risk Assessment*'. There may therefore be pockets of unidentified contamination throughout the site. During development, if any contamination not identified within the report is discovered the developer must immediately cease work and inform this department and the local Planning Authority. In this scenario, a suitably competent Environmental Consultant should carry out further investigation detailing how this this unforeseen contamination can be dealt with.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Natural Resources Wales:

- NRW request the imposition of specific planning conditions to address their concerns,
- Full details of the foul water storage tank submitted prior to works commencing on site to demonstrate that the proposed system will safeguard the surrounding environment and that the system will be appropriately managed. Off-site disposal of foul waste in accordance with Section 34 of the Environment Protection Act 1990,
- Any temporary infrastructure related to foul drainage on site to be fully decommissioned and removed from the site when the permission comes to an end,
- Scheme for the control of Invasive Non Native Species to be the subject of a planning condition,
- Insufficient survey information on how bats use the site for foraging & commuting from their roosts. Concerns as to the possible impacts of the development on foraging and commuting routes of bats and that a lighting scheme should be submitted for the approval of the mineral planning authority. Furthermore, written consent must be obtained prior to any clearance of mature vegetation/linear features which may be used by bats,
- Tree planting to avoid directing bats towards the new bypass or create a foraging area alongside. Maintenance and enhancement of existing hibernation roost within the derelict building in the former brick storage area. Replace metal grills to prevent access to the public,
- Recommend that habitats to be formed are compatible to previously consented projects to provide foraging opportunities for a number of protected species, including different areas of water dependent habitat, shallow linear pond and cut-off ditch in the quarry sump,
- Controlled waters underlying the site not of the highest environmental sensitivity and on the assumption that gross contamination is not present at this location the requirements of PPW and The Guiding Principles for Land Contamination should be followed. If gross contamination is found the MPA should re-consult with NRW and recommend that the developer should follow their risk management framework, model procedures and 'Guiding Principles for Land Contamination and the Principles and Practices for Groundwater Protection(GP3),
- Planning condition to specify that If during the development, contamination not previously identified is found to be present, no further development (unless otherwise agreed in writing) shall be carried out until a remediation strategy shall be submitted for the approval of the MPA,
- Installation of an oil interceptor to prevent any pollution to the water environment is recommended as per pollution prevention guidelines. Use & design of oil separators in surface water drainage systems. Contact NRW to determine whether the proposal requires consent to discharge into the ground or watercourse,

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- To ensure no further deterioration of the Llyn and Eryri groundwater body, all pollution prevention measures should be monitored & maintained. Recommend determining the groundwater level to ensure pollution control techniques can be managed,
- Sufficient containment for run-off within materials storage and working areas including prevention of sediment laden drainage from haul roads to any watercourse (GPP5 for works & maintenance in or near a watercourse),
- Proper disposal procedures for any asbestos found on site,
- Site partially contained within a C2 as per Development Advice Maps of TAN15: Development and Flood Risk. NRW state that the Flood Consequences Assessment submitted in support of the application provides an accurate estimate on possible flood risk which demonstrates that the developable part of the site (site buildings & car parking areas) is to remain flood free for various flood events including the extreme flood event (0.1% AEP or 1 in 1000 event). Flood storage capacity increased in the former brick storage area where material will be removed. Development will not increase flooding elsewhere and site haul road will provide an alternative if temporary means of escape for Seiont Mill Road. Any works within 8m of the river will require a bespoke flood risk activity permit.
- No risk of fish being encountered during the dewatering of the quarry sump,
- Waste disposal operations will require an Environmental Permit under the Permitting Regulations 2010. Controlled waste removed or brought onto to be taken to a suitably authorised facility, including contaminated soils. Excavated materials that are recovered via a treatment operation can be re-used on site under the CL:AIRE Definition of Waste.
- Agree with the conclusion of the LPA assessment under the Conservation of Habitats and Species Regulations 2010 that there will be no significant risk of impacts on protected sites (SPA/SAC/SSSI) from the development proposals,
- Revised discharge permit required for the site including water monitoring data,
- NRW considers that the proposals are unlikely to result in the deterioration of Water Framework Directive objectives provided that the measures detailed in all of the topics referenced in their consultation response are adhered to.

Public Consultations:

Notices have appeared in the local press and site notices displayed in the vicinity of the application area in respect of two separate consultation periods commencing on 8th and 22nd February 2017 respectively. The second consultation period took account of additional information submitted in accordance with Regulation 22 of the EIA Regs. 2016. Nine letters of objection have been received highlighting the following concerns;

Grounds for Objection:

- Quiet tranquil area/residential amenities & proximity of properties to the site,
- Impacts on local biodiversity, bats, otters, nesting birds, owls;
- Traffic impacts associated with the use of a compound ancillary to the bypass construction works,
- Impacts of noise & vibration associated with the works,
- Air pollution/Air quality impacts & health concerns,
- Dust,
- Width and structural capacity of Seiont Mill Road,
- Hours of operation,
- Works access visibility,
- Cumulative landscape, environmental and amenity impacts with the bypass proposals,
- Contrary to adopted planning policy to protect the environment,
- Insufficient screening for properties to the south-east of the quarry,
- Longevity of development proposals and use of the site for many years beyond the lifetime of the bypass construction works; infrastructure & temporary buildings to remain on site for at least 7 years; uncertainty regarding long-term afteruse proposals for the site,
- Impacts on amenity & the environment outweigh the quarrying benefits,
- Development proposals & proposed extension to the site will impact on local biodiversity; mitigation in the application proposals insufficient to promote biodiversity to meet with the requirements of Welsh Government objectives,
- Contrary to adopted planning policy concerning cultural heritage assets including potential impact on listed buildings located immediately adjacent to the bypass works and access points to the quarry, specifically the setting of Bryn Eglwys at 235m and the impacts on views from this property,
- Potential impact on cultural heritage assets of the locality but also Llanbeblig Church (Grade 1 listed) & Caernarfon Castle World Heritage Site (Grade 1 listed),
- Development proposals & proposed extension will not improve the natural environment or contribute positively to the landscape & built heritage assets of the area,
- Impacts of haulage movements associated with the import & export of up to 400,000m³ of materials respectively,
- Cumulative impacts with the bypass proposals on land instability,

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- Restoration proposals as per ROMP determination not implemented,
- Possible impacts on flooding,
- No screening proposals for the northern haul route.
- Impacts on public rights of way.

In addition to the above, the following representations were not considered valid planning objections:

- Objections to the implementation of the bypass proposals and impacts on property value & opportunities for holiday let,
- Compensation in respect of the bypass works,
- Traffic impacts relating to noise and disturbance once the bypass is operational,
- Impacts on the watercourse running alongside the south-eastern boundary of the quarry,
- Views of the site from Caernarfon Castle,
- Development proposals, 'overlooking',
- Permanent access to the A4085,
- Adopted UDP planning policy on Dormant Minerals Sites,
- Human rights,
- Re-locate the haul route within the quarry including both access points,
- Suitability of clay materials for use in bypass construction.

Assessment of the material planning considerations:

5. The principle of the development

- 5.1 There is a requirement to take decisions on planning applications in accordance with the adopted development plan, unless other material considerations state otherwise. The Gwynedd Unitary Development Plan (2001-2016) is the current 'Development Plan' and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the UDP as the 'development plan' once it is adopted. The hope is that the JLDP will be adopted during July 2017.
- 5.2 When dealing with any planning application the statutory test should be the first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states: "*Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...*".
- 5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.
- 5.4 Paragraph 2.14.1 of Planning Policy Wales states; "*.... in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances*".

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- 5.5 The application itself contains many elements, the collective principle of which is summarised below, but the main thrust of the development is that the development may be considered ancillary to the requirements of a national road improvement project. The availability of a site having direct access to the road scheme would mitigate for the potential impact of heavy transport on the local road infrastructure. The site would be used as a base for operations ancillary to the bypass scheme including site offices, asphalt & concrete batching plants, materials processing facility as well as having the capacity to support the civil engineering works for the disposal of unsuitable materials for restoration and as a source of fill materials derived from the resumption of quarrying operations.
- 5.6 The quarry already has the benefit of a valid planning permission for the winning and working of minerals which, up until the closure of the operation 2008, excavated and processed clay for the manufacture of bricks. An application for the determination of conditions under a ROMP, Environment Act 1995 approved in 2007 secured a scheme of working up until 2042. For all applications submitted with an Environmental Statement, there is a requirement for the consideration of alternatives in order to fully assess the impacts of the proposal. For road schemes, WO circular 36/87 is relevant where there is a requirement to identify sites for sourcing suitable material within a 10 mile radius and if so, on what basis they may have been ruled out or considered unsuitable.
- 5.7 However, given that Seiont quarry is classified as an active site, the principle of minerals extraction cannot be challenged and minerals operations may re-commence under the terms of the ROMP determination C00M/0441/14/MW at any time and without prior warning. Notwithstanding that the site is ideally placed as a source of fill material and/or aggregates for the bypass scheme, the site may export materials for other end-uses whilst reserves are still available. The same would also apply to mineral working deposit previously stored on the concrete hardstanding and stockpiles of bricks set aside for sale or dispatch, which may be processed further for aggregates. The site could therefore operate as a borrow pit in accordance with the general principles of Policy C19 of the Gwynedd Unitary Development Plan and Policy MWYN 9 of the emerging Joint Local Development Plan.
- 5.8 The requirements of Technical Advice Note 21: Waste, along with the Regional Waste Plan objectives outline the need to develop a sustainable network of facilities for waste treatment, with particular emphasis on the need to provide facilities for re-using and recycling waste.
- 5.9 Para. 3.27 of TAN 21 outline the criteria for the location of new waste management facilities in the context of 'Towards Zero Waste' and the CIM Sector Plan. The paragraph provides locational criteria, e.g. farms and sites previously occupied for waste management but also, the use of inert building and demolition waste for the restoration of quarries. Paragraph 13.2 further states; *'in the case of landfill and landraising operations, appropriate and careful restoration and aftercare is required to prepare the site for a use which is compatible with the surrounding area and the provisions of the local development plan'*.
- 5.10 TAN 21 recognises that the likelihood of a need arising for new landfill should reduce over time as the new waste prevention, recycling and other recovery activities develop in accordance with waste policy targets and actions. Paragraph 4.23 is of particular relevance here where it states; *"The application of the waste hierarchy demonstrates that the disposal of inert waste is not acceptable in most circumstances and without exceptional justification planning applications for the disposal of inert waste should be refused. Exceptional circumstances may be demonstrated where the use of inert waste is necessary to address issues of instability, landscape, flood risk, matters relating to safety, or to enable the land to be used for an appropriate end use (for example, industry, agriculture). In each case, the*

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

level of inert waste to be used should be the minimum necessary to achieve the desired outcome". TAN 21 makes it clear therefore that C & D disposal to land is only likely to be considered if is 'recovery' to achieve a better afteruse and disposal in its own right should be refused.

- 5.11 The position as it currently stands is that the site should be restored in accordance with the application plans attached to the ROMP determination, although clearly, the delineation of the bypass route across the back face of the quarry will compromise the approved ROMP restoration concept given the sterilisation of the mineral reserve and availability of restoration materials. In order to classify as 'recovery' and move a development up the waste hierarchy, a proposal would need to demonstrate that the test of overriding purpose is met and any importation of materials above a reasonable margin of contingency could constitute waste disposal in its own right.
- 5.12 There is therefore the need to consider Article 3(15) of the Waste Framework Directive 2008/98/EC, with respect to the recovery of unsuitable materials generated as a by-product of the bypass construction works in order to achieve a better restoration landform. The essential characteristic of a recovery operation is that its principal objective is that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources. In respect of disposal, Article 12 states that where recovery is not undertaken, waste undergoes safe disposal operations which meet the provisions of Article 13 on the protection of human health and the environment. In addition to landscaping issues, the proposal will address land stability issues evident in the clay and glacial deposits and the risk of potential landslip, although the site itself is not included in the authority's register of unstable land. Paragraph 13.9.2 of Planning Policy Wales states; *"where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures"*.
- 5.13 PPW further states that; *"when planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner"*. A 'note to applicant' should also; *"advise the applicant that although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability"*.
- 5.14 This application sets out proposals involving the import of inert soils and waste arisings to alter the profile of the quarry faces and infill the flooded workings. In response to consultation, NRW stated that pre-application advice has already been provided for the applicant, which confirms that waste disposal operations would also require a permit under the Environmental Permitting regulations 2010.
- 5.15 The general principles of policy C24 of the UDP (landfill & landraise) and GWA 2 of the emerging Local Development Plan will apply in consideration of the development conforming to a number of criteria regarding need, location, scale, ability to manage the site, acceptable after-use provision, alleviating measures, traffic impact and assurance that the development will not harm conservation interests. Policy C3 is of the UDP & CYF 2 of the emerging Local Development Plan are considered relevant, *(proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate)* given that this is a proposal to alter levels and the restoration concept for a quarry which ceased operation in 2008. Also, paragraph 4.9 of Planning Policy Wales, *'preference for the re-use of land'* states that; *'many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability*

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

objectives. The same policy considerations of giving preference to the use of previously developed land will also apply to the establishment of a temporary compound on the hardstanding of the former brickworks plant site.

- 5.16 Although landfill remains the lowest ranking waste management facility, there are few sites with sufficient landfill void to deal with the tonnages of unsuitable materials generated by the bypass scheme. The current position is that Faenol Woodlands is the only operational site capable of receiving inert waste by virtue of a valid planning permission and Environmental Permit, although the former Cilgwyn tip and Ffridd Rasmus in Harlech both have consented void space by means of an extant planning permission. Notwithstanding, this situation only underlines the fact that there are few sites capable of serving the needs of the bypass scheme in terms of landfill capacity. The use of Seiont quarry would safeguard the existing consented void space for local construction requirements and would address any adverse environmental impacts arising from heavy transport on surrounding settlements and that of the local road infrastructure, as well as providing a 'proximity principle' approach to the needs of the project.
- 5.17 The proposal therefore does not provide additional long-term waste management infrastructure for the disposal of inert waste but rather, an application for development ancillary to the requirements of the bypass scheme which should be completed in a relatively short period of time. Inevitably, the import of material will allow additional landscaping of the quarry so as to ensure that the finished levels and profile of the restored faces are suitable for establishing a mixed woodland and low maintenance grassland restoration concept as well as addressing any land instability issues. In consideration of the above, it is considered that the short-term impacts of re-configuring the quarry faces and infilling the flooded sump will have no more of an adverse impact on local, visual and landscape amenities than when the site was last operational. In the long-term, there are clear advantages in terms of site restoration and biodiversity enhancement.
- 5.18 As stated previously, the delineation of the bypass route across the back face of the quarry would sterilise the remainder of the workable reserves, with the exception of any materials exported during the period of the bypass construction. However, one of the considerations raised in consultation with the applicant is the longevity of the operations involving the disposal of materials. The application proposes 400,000m³ of material to be extracted and imported respectively in order to achieve the restoration levels indicated on the application plans.
- 5.19 Further discussions with the applicant confirms that the nature of civil engineering works can create uncertainties in the quality and quantity of the materials generated, incurred by reason of severe weather causing the project to overrun. Whilst the import of 400,000m³ of material provides a restoration concept based upon the worst case scenario, such an assumption does not provide an absolute restoration solution given the default position of the ROMP determination and that which could realistically be achieved with a significantly reduced volume of material.
- 5.20 A letter from the applicant confirms that the planning application and associated information incorporate both direct and indirect links to the bypass project, suggesting that the development could be conditioned to ensure sufficient control is retained over both proposals where the use is specific to and limited to the bypass construction project. Furthermore, in the event of the bypass project not being implemented, both of the development proposals for Seiont will not be required and the existing quarry will remain under the terms of the extant minerals permission. It is considered therefore that any planning permission granted should be subject to the following requirements;

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- Duration of the permission limited to 5 years from the notification of commencement with operations involving the import of materials for the restoration of the quarry restricted to the requirements of the bypass scheme and time-limited to 3 years from the notification of commencement of landfilling operations,
 - Haulage operations involving the import and export of materials restricted to the use of the dedicated haul routes indicated on the application plans,
 - Topographical survey to be submitted for the approval of the mineral planning authority upon cessation of operations to provide a full audit of materials available for restoration. If the volumes of materials derived from the bypass construction works are insufficient to complete the restoration of the site in accordance with the application plans, an amended restoration plan shall be submitted for the approval of the mineral planning authority.
- 5.21 In addition to the above, the authority has re-consulted on the amended proposals that do not include for a permanent northern haul route. Notwithstanding, it is considered that the quarry can release sufficient materials for the needs of the bypass project and therefore, the following condition is proposed;
- Revised restoration plan for the northern haul route to restore to agricultural use in accordance with the guidelines in Annex B -D of TAN 1 (Aggregates), specifying the quantities and storage locations of all materials set aside for restoration, i.e. no materials extracted in the formation of the haul road to be exported off-site.
- 5.22 In the 9 years that mineral was last extracted at this site, there is clear evidence of successful restoration through the processes of natural regeneration and in respect of the principle or justification for the development, there is a fine balance between the minimum amount of materials required for restoration in accordance with National Planning Policy Guidance and the opportunity to provide a restoration concept of a disused quarry that will also address the needs of a national infrastructure project.
- 5.23 Subject to the imposition of planning conditions to reflect the above bulleted list and consideration of all other material planning considerations including Traffic Impact, Nature Conservation, Amenity, Sustainability, Pollution Control and Flooding, it is considered that the development in principle complies with National and Regional Planning Policy and Guidance as well as the requirements of Policies; A1, A3, C3, C9, C14, C15, C19, C22 & C24 of the Unitary Development Plan and Policies; CYF 2, PCYFF 1, TRA 1, GWA 2, MWYN 4, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.
- Noise, Dust and Residential Amenity**
- 5.24 In respect of operations involving the winning and working of clay and overburden materials, it must be noted that Seiont Quarry and the associated brickworks plant has been mothballed since 2008. The site is located adjacent to sensitive receptors located at Seiont Mill Road, Eryri Hospital, Pont Seiont public park, Morfa Common, Hendre Park residential estate as well as a number of scattered dwellings located to the east of the quarry and to the north of the proposed haul route and bypass works. There are properties at Seiont Mill Road that lie within the 100m buffer applied to the clay workings as prescribed under policy B12 of the Unitary Development Plan and Policy Mwyn 6 of the emerging Local Development Plan. However, the default position is that the 100m buffer already applies to development carried out under the terms of the existing ROMP determination and there have been few, if any, instances of complaint relating to the operation of the quarry or brick manufacturing facility up until its closure in 2008.
- 5.25 In response to consultation, Gwynedd Public Protection services highlighted potential concerns about the impacts of noise, dust and disturbance from on-site operations and the

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

traffic movements associated with the use of the site as a contractor's compound but also the cumulative impacts with the bypass construction works. The proposal differs to the previously regulated activity as a brick manufacturing plant in that all of the site activity/works are to be carried out in the open rather than contained within a building. Key environmental issues to be addressed include Drainage, Air Quality, Noise Emissions and Potentially Contaminated Land.

- 5.26 The ES does provide a list of activities undertaken as part of the development that have the potential to impact on air quality and noise including, the formation of haul roads, excavation/removal of brick clay & overburden as well as the recovery & processing of bricks, concrete and other materials brought onto the site, progressive spreading of material in works of restoration, concrete batching and the use of diesel powered plant and machinery. The ES prepared on behalf of Welsh Government for the bypass project specifies that 15,000m³ of concrete and 77,820 tonnes of surfacing material will be required for the scheme. There is therefore a potential increase in air pollutants and noise impacts attributed to the resumption of operations at the site and it is important that such activities do not have an adverse impact on public health. In addition to haulage movements associated with the bypass works, the traffic impacts associated with the proposal includes for private vehicles and small delivery vehicles using the existing quarry access at Seiont Mill Road throughout the duration of the project (approximately 25 movements in the morning and evening respectively), but also a limited number of low loaders, abnormal loads, flat-bed lorries and other HGVs during the 3 month mobilisation and decommissioning phase associated with the works.
- 5.27 Given the location of the former brickyard located within the river meander, it is considered that works required for the removal of brick stockpiles and the excavation of material to form a shallow basin and a permanent shallow waterbody habitat, has the potential to impact on the residential amenities of Seiont Mill Road through the impacts of noise, dust and vibration. However, it is considered that the extent of works in this part of the quarry is limited and may be completed in a fairly short period of time.
- 5.28 The ES refers to the UK National Air Quality Strategy by reference to the levels of PM₁₀'s not exceeding 50µg/m³ as a daily mean with no more than 35 exceedances per year, or 40µg/m³ measured as an annual mean. In response to consultation, Gwynedd Public Protection Service recommended that a dust management scheme is prepared and put into place with appropriate conditions to control PM₁₀ & PM_{2.5} particulate emissions but also Nitrogen Dioxide NO₂ levels. The application details confirm an itinerary of measures to mitigate for the potential impacts of fugitive dust migration impacting on sensitive receptors including minimising drop heights from excavators, on-site speed limits, use of a water bowser on haul routes, dampening of processing areas and processed materials and keeping a log of dust complaints.
- 5.29 However, there remains a requirement to address the potential impacts of dust through the imposition of standard conditions and the applicant confirms a willingness to discuss the implementation of appropriate planning controls. Furthermore, the Public Protection Service specify the requirement for a dust survey to be undertaken for a minimum period of 6 months at agreed locations and that crushing, screening conveying and other operations likely to give rise to airborne dust should be contained within appropriate housing. Crushing and screening operations require a permit under the Environmental Permitting Regulations 2010 but also, HGV's leaving the site to ensure that no mud, dust or other deleterious material is transferred onto the public highway. All vehicles transporting minerals from the site, of a size less than 100mm in any dimension, shall be securely sheeted.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- 5.30 There is no background noise assessment submitted in support of the application, rather the ES quotes the previous noise levels used for the 2007 ROMP determination set at individual properties. Notwithstanding that the brick plant was in operation for many years without giving rise for a noise complaint, the nature of the operations in the open should be re-assessed given that there is no supporting evidence to suggest that the current background levels are the same as the previous assessment undertaken.
- 5.31 The application statement confirms that minerals extraction generates noise due to the use of heavy machinery, although the position of the quarry bowl and configuration of benches below the current level will screen the extractive operations from most if not all residential properties. The application recognises however that all activities at the site have the potential to impact on noise sensitive receptors and it is proposed that activities including the screening, crushing and processing of materials would be undertaken in locations where noise attenuation from existing and proposed landforms would be maximised, i.e. materials processing to be located behind the tip of quarry waste on the north-western flank of the quarry and that a new noise attenuation bund be constructed alongside the south-western boundary of the former brickworks site where operations involving concrete/asphalt batching, vehicle maintenance/repair will be undertaken.
- 5.32 In addition to noise mitigation incorporated into the site design, the application offers a suite of good management practices including; haul roads maintained in good repair to minimise body slap and vibration from vehicles, use of practical and safe reversing alarms (e.g. white noise), minimisation of drop heights, avoidance of revving engines, all plant maintained in good order and fitted with effective silencers & acoustic covers and the use of electrically powered pumps and generators where necessary.
- 5.33 The public protection service recommend the guidance for noise in the Minerals Technical Advice Note 1 (Aggregates) and suggest that in the absence of an indicative survey of background noise to justify the 2007 ROMP limitations, it is recommended the following conditions are placed on the granting of the application:-
- During normal working hours (0700-1900) the noise rating level should not exceed 55dB(A) LAeq,1hr (free field). Evening (1900-2200) limits should not exceed background level by more than 10dB(A),
 - Night time limits should not exceed 42 dB (A) LAeq, 1hr free field at noise sensitive dwellings. (MTAN1).
 - Temporary operations not to exceed 70 dB LAeq, 1h (free field) for up to 8 weeks in a year.
 - Noise monitoring survey as per the written request of the Mineral Planning Authority, to be undertaken in accordance with British Standard BS.4142:2014 'Methods for rating and assessing industrial and commercial sound' to assess and demonstrate compliance /conformity with the boundary noise limit.
 - Specific plant and associated noise control or mitigation methods must be approved by the local authority prior to the installation and operation of the plant and equipment including specific sound power levels prior to use on site.
- 5.34 As mentioned previously, operational noise from road traffic has the potential to impact on properties located between the quarry and Pont Seiont. Hours of operation should be restricted so as to avoid excessive movement of HGVs travelling to or from the quarry through residential areas during early morning and at night time. To reduce any impact the site can be conditioned to ensure deliveries and movement of processed materials and operation of the site shall not take place except within the following times and days:
- Between the hours of 0700 and 1800 Monday to Friday inclusively;
 - Between the hours of 0700 and 1300 on Saturdays;

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- No deliveries on Sundays or Public Holidays;
- Written record of all haulage movements to be made available upon written request of the Mineral Planning Authority,

5.35 It is considered that the site can operate without undue nuisance to the amenities of the area in accordance with planning conditions imposed to regulate the activities as well as good practice and schedule of practical measures proposed in the application. In mitigation for the potential environmental impacts of the development, the relevant noise and dust conditions include a requirement for annual monitoring and that the operating times be the same as existing; 07:00 - 19:00 Monday to Friday; 07:00 - 13:00 on a Saturday and no mineral working to take place on Sundays, Bank & Public Holidays.

5.36 With the imposition of planning conditions to limit the impacts of noise, dust, haulage, hours of working and duration of the project (3 years to allow for the import of material & 5 years in total), it is considered that the development conforms to policy B23, B30, B33, C9, C19 C22 & C24 of the UDP as well as Policy CYFF 1, GWA 2, MWYN 4, MWYN 6 & MWYN 9 of the emerging Joint Local Development Plan.

Visual Amenity

5.37 Seiont quarry covers a substantial area to the south of Caernarfon extending from the woodland embankments of the Afon Seiont to the west and rolling pasture connecting with the settlement of Caethro to the east. Part of the site includes the line of the former railway connecting Caernarfon and Llanberis which has been subject to the deposit of mineral waste over many years and which screens the quarry from the nearby Hendre Park residential estate and Eryri Hospital.

5.38 The potential significance of landscape and visual impacts is determined by a combination of the magnitude of the potential impact and the sensitivity of the landscape setting to change. The proposed development would cause direct impacts on landscape of the application site during the operational phase which is unavoidable due to the nature of mineral extraction and waste disposal operations. The application has considered the sensitivity of the surrounding landscape designations, residential areas and recreational receptors.

5.39 The landscape and visual assessment submitted with the application states; “... *Landscape and visual impact assessment applies two related, but distinct methods. The landscape assessment considers the topography, land cover, land use and condition to produce an understanding of the quality and character of a landscape and its sensitivity to change. The visual assessment builds upon the outcome of the landscape assessment and considers the potential effect on visual amenity*”.

5.40 Possible visual and landscape impacts include a combination of site operations, vehicle movements, stockpile storage & screening mounds, exposed faces and loss of landscape elements including landform and vegetation both during extraction, restoration & disposal of materials and the construction of haul route. In this respect, the landscape and visual impact assessment has considered the baseline of impacts on main visual receptors including statutory and non-statutory landscape designations, recreational routes, registered parks & gardens, Unesco World Heritage Site, cultural heritage assets and information derived from the local authority Strategic Landscape Character Areas (LCA) and Natural Resources Wales LANDMAP data system.

5.41 The site is located approximately, 2,300 metres south east of the Anglesey AONB, Newborough Warren & Traeth Abermenai and 5,500 metres north west of the Snowdonia National Park at Betws Garmon. This report concurs with the landscape and visual impact

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

assessment that in consideration of distances from the proposed development and the presence of intervening of landscape and built environment features, it would be very difficult to distinguish the development from the existing landscape and the impact on these statutory designations is therefore negligible.

- 5.42 It is further agreed that in the summary of landscape impact significance, the potential effects on the 26 landscape character areas identified in the assessment is negligible. Although the extent of the workings and former brickworks site are substantive, the site is generally well screened by mature vegetation, surrounding topography and the suburban environment of Caernarfon. Whilst the Afon Seiont Lowland Valley and Caeathro Rolling Lowland are directly impacted by the proposed development, the quarry in itself constitutes a degraded landscape element which is already visible from the edges of the Caernarfon 19th Century Settlement and the Caernarfon Modern Settlement LCAs.
- 5.43 Llanbeblig Church (Grade 1 Listed Building), Hendre School and properties at Glan Seiont, Hendre Park residential estate are all sensitive receptors at intermediate distances to the development, which will experience indirect impacts during the construction and restoration phases. The greatest visual change would occur to the north-west of the clay pit where a new haul road connecting with the bypass construction site is proposed in an area of grazed farmland. Properties and other sensitive receptors in close proximity to the site would experience change at different stages of the development. The Eryri Hospital and public footpath that runs alongside the river Seiont from the A4085 to Seiont Mill Road would be temporarily affected by the establishment and operation of the site compound, the construction of a new haul road as well as quarrying operations and the disposal of waste in works of restoration.
- 5.44 Many properties overlooking the quarry and fields to the north and north-east are predicted to suffer a slight adverse impact during the construction phase of the proposed development as the view of disturbed would increase and that of farmland, trees and hedgerows would decrease. However the magnitude of change and any adverse impacts should be considered in the context of the bypass proposals contributing to the larger part of direct and permanent detrimental landscape impact to scattered dwellings in the Caeathro area and that of the Rolling Lowland LCA. Given the temporary, short-term impacts associated with the use of Seiont Quarry during the lifetime of the bypass contract, it is not considered that the cumulative impact of the development proposals under consideration here would have a significant detrimental impact on the visual amenities of the area. The impacts on public footpaths which traverse the quarry and northern haul route cannot be assessed in terms of the development proposals in that these established rights of way will be the subject of diversion orders implemented in accordance with the requirements of the bypass scheme.
- 5.45 Policy C14 of the Unitary Development Plan refers to the requirement for schemes of restoration and aftercare submitted with applications for mineral working. The proposals include for the restoration and re-configuration of the quarry faces to create an acceptable landform to promote nature conservation and biodiversity. The current configuration of regular development benches is result of a comparatively recent working regime in accordance with the ROMP proposals, where overburdens soils and brick clay have been removed during an intense ‘campaign contract’ scheme of working, as opposed to material being removed as and when required to secure a continued supply for the brick kilns. The legacy of this approach is that a significant amount of mineral working deposit remains in stockpile on the former brickworks site and that the configuration of dark, clay benches would remain in situ until such time further restoration materials may be released from soil stripping operations for works of restoration.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- 5.46 As previously stated, the availability of materials from the bypass scheme will bring forward a scheme of restoration for the site which would otherwise require a different approach to favour the establishment of natural regeneration. A ‘do nothing scenario’ is often the best approach for quarry restoration schemes aimed to promote biodiversity and there is clear evidence that parts of the site have regenerated with a host of trees, shrubs and habitat which have been documented in the biodiversity officer’s report. Notwithstanding, a lack of foliage during winter months would reveal the dark clay substrate, which will dominate the visual envelope of the quarry for a substantial part of the year.
- 5.47 The applicant would wish to use surplus spoil derived from the bypass construction works to address issues of land stability but in addition, many of the quarry benches are devoid of any vegetation. A phased scheme of restoration to prioritise the treatment of bare, worked-out slopes would provide the opportunity for a more diverse habitat but also establish some greenery on the quarry benches, even during winter months.
- 5.48 It is considered therefore that with a phased restoration plan to target key areas, the proposal is acceptable in principle in that the development is compliant with Policy B8, B12, B14, B27, C3, C9, C14, C15, C19, C22 & C24 of the Unitary Development Plan as well as Policies AMG 2, AT 1, New AONB Policy, PCYFF 1, GWA 2, MWYN 4, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.

Cultural Heritage

- 5.49 The ES provides a list of relevant legislation and planning guidance as a background to the assessment of the environmental effects of the proposal on known features of cultural interests, monuments, heritage assets and listed buildings. The assessment criteria and evaluation of the development proposals is comparable to the methodology applied to landscape and visual impact to determine both direct and indirect impacts.
- 5.50 Caernarfon is rich in cultural heritage assets and the site is located within 1.5km of the Caernarfon Castle and Town Walls World Heritage Site, Segontium Roman Fort and Llanbeblig Church. In addition, there are Grade II listed buildings, Bryn Eglwys & Bryn Eden in close proximity to the quarry and bypass works as well as a Grade II listed, 19th Century Park designed around an artificial lake located beside Seiont Mill Road, approximately 250 metres from the nearest part of the application site.
- 5.51 The site itself is formed of deep reserves of Ordovician clays overlain by Quaternary glacial deposits, where previous site investigations have revealed sediments of great significance to the understanding of Quaternary events in western Britain, including wood fragments, cones, pollen & beetle remains. The site has been designated as a Regionally Important Geological Site but which has been subject to extensive expansion of the brickworks since its establishment in the mid-19th Century. The report suggest that a Roman road extending from the Segontium fort may have once passed through the landscape of Pen y Bryn Hill, although it will have been destroyed over the past 60 years of extraction.
- 5.52 In response to consultation, CADW confirm that they are in agreement with the cultural heritage assessment that the impact of the proposals on the Morfa Common Grade II registered Park would not be significant. There may be partial views of lorries using the haul route and the rim of the quarry extension from Caernarfon Castle and Town Walls during the construction phase. However from this position, any construction works associated with the bypass and quarry haul route would comprise only a limited portion of the entire visual envelope and therefore, it is not considered that this will have a significant long-term impact on the Outstanding Universal Value of the World Heritage Site. Furthermore, this report concurs with the conclusions of the cultural heritage assessment that the indirect impacts on

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

wider heritage assets, listed buildings and conservation area within the Caernarfon 19th Century settlement would be negligible.

- 5.53 As already mentioned, there are listed buildings in close proximity to the quarry that could be affected by the development proposals during the construction phase through the impacts of noise, dust and disturbance. However, given the position of the quarry and associated haul routes in relation to the bypass and affected properties of Bryn Eglwys & Bryn Eden and their setting, it is considered that any physical screening in the form of embankments or soil bunds would be better served by mitigation measures incorporated into the design of the bypass construction works. The northern haul route will be formed within a cutting and the provision of topsoil storage bunds will help screen the development from the non-listed property of Plas Treflan located approximately 150m north-west of the proposed development.
- 5.54 The magnitude of change and any adverse impacts should be considered in the context of the bypass proposals contributing to the larger part of direct and permanent detrimental landscape and visual impact. Given the temporary, short-term impacts associated with the use of Seiont Quarry during the lifetime of the bypass contract, it is not considered that the cumulative impact of the development proposals under consideration here would have a significant detrimental impact on the setting of listed buildings. The quarry constitutes a degraded landscape element and the restoration proposals propose that the visual appearance of the site could be improved.
- 5.55 In response to consultation on the scoping of the environmental statement, the authority was not made aware of any possible impacts on any known archaeological sites or areas where archaeological finds are likely to be encountered. With respect to any direct impact of the development proposals, it is agreed with the cultural impact assessment that the development proposals involving the extraction of mineral and the disposal of spoil from the bypass works will be contained within the limitations of the existing quarry and the use of the quarry as a works compound limited to the former brickworks site. The only exception being the route of the northern haul route bridging the strip of agricultural land connecting with the bypass and proposals to excavate part of the former brickyard to the west of the river, where there could be evidence of buried 19th century industrial remains.
- 5.56 In response to consultation, Gwynedd Archaeological Planning Service expressed concern that the Cultural Heritage assessment does not contain sufficient information enable the development control archaeologist to provide advice on the proposals and that a further assessment should be completed in accordance with a specification to be agreed in advance with the Local Planning Authority in order to inform the planning decision.
- 5.57 However, the assessment does refer to written sources of archaeological work including that part of the southern haul route which will extend from the former brickworks, along the worked-out benches of the quarry up to the route of the bypass. GAT Project No. G1952, Report No. 687 comprised of a watching brief undertaken in October 2007 relating to the last soil strip at Seiont, immediately adjacent to the line of the bypass route. In summary the report concludes; *“an archaeological watching brief has been conducted during the expansion of the Seiont Brickworks Quarry, Gwynedd. No archaeological features were identified and all activity below the topsoil was interpreted as glacial in origin. It was determined that agricultural use was limited to pasture as the glacial boulders were too prevalent to facilitate cultivation”*.
- 5.58 It may therefore be appropriate to impose a planning condition requiring further archaeological work/watching brief for the former brickworks to the west of the river and the line of the northern haul route. The remainder of the site has been subject to recent

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

disturbance from the mineral workings and the temporary change of use of the 1960s brickworks site to a works compound will not involve any further demolition to that which has already taken place in 2010 & 2013. The existing concrete hardstanding and metal runners of the former brickworks will therefore remain.

- 5.59 The Regionally Important Geological Site (RIGS) will, for the most part, be impacted by the bypass proposals and the exposure of the glacial sediments will provide opportunities for further study. It is well documented on this site that cuttings and excavations into the mineral deposit have provided important data on the sequence and nature of Quaternary events. Pen y Bryn is the only one within a network of Quaternary stratigraphical sites across Anglesey, Llyn and the Gwynedd coastal fringe to contain organic deposits of a pre-glacial age. Conditions already exist on the ROMP determination to account for and document any exposures during the excavation of mineral and the same could be repeated on any further grant of consent.
- 5.60 With the imposition of appropriate planning conditions as mentioned above, the proposal therefore complies with Policy C9, C15, C19, C22, C24, B3, B6, B7, B12 & B18 of the Gwynedd UDP but also Policy PCYFF 1, AMG 2, AT 1, AT 4, GWA 2, MWYN 4, MWYN 6, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.

Highway Impacts

- 5.61 The Environmental Statement provides a comprehensive assessment of the traffic impacts associated with the use of the site in connection with the bypass construction works. There are economic, logistical and environmental benefits to be derived from the use of the quarry in terms of highway impacts, given that it is located immediately alongside the proposed bypass route and will satisfy most of minerals requirements of the scheme. Discussion with the applicant confirms that the nature of civil engineering works can create uncertainties in the quality and quantity of the materials generated, incurred by reason of severe weather causing the project to overrun. In terms of transport impacts, the ES confirms that much of the 400,000m³ worst case total volume would be carried between April and October, with up to 80% during July, August and September.
- 5.62 By choosing to make use of a quarry with a direct link to the bypass via internal haul roads, none of the materials haulage movements to and from the quarry would involve the use of HGVs on public roads. The ES provides a comparison scenario whereby the source of fill for the bypass and a repository for the disposal of materials is remote from the bypass site. The operator proposes off-road haulage, using 40-tonne dumper trucks on a return load principle in preference to a conventional HGV carrying a 20-tonne payload. This would mean that a total of 44,440 vehicle movements carrying a payload of 40 tonnes would be required to achieve the maximum of 400,000m³ of materials to and from the site. In comparison, the equivalent of 88,890 haulage movements carrying a 20-tonne payload would be transported on the local road network if the sources of material and disposal facilities are remote from the bypass construction site.
- 5.63 In addition to haulage movements associated with the bypass works, the traffic impacts associated with the use of the brickworks site includes for private vehicles and small delivery vehicles using the existing access at Seiont Mill Road throughout the duration of the project (approximately 25 movements in the morning and evening respectively), but also a limited number of low loaders, abnormal loads, flat-bed lorries and other HGVs during the 3 month mobilisation and decommissioning phase associated with the works. During the construction phase of the bypass, around 60 personnel are expected to be on site at any time travelling by car on a daily basis, using the on-site car parking facilities provided within the contractor's compound. Due to the short duration for the use of and restoration of the quarry in connection

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

with the bypass works, the ES confirms that quarry traffic using Seiont Mill Road will cease upon completion of the project.

- 5.64 The main thrust of the development is that the development may be considered ancillary to the requirements of a national road infrastructure project. The availability of a site having direct access to the road scheme would mitigate for the potential impact of heavy transport on the local road infrastructure as well as providing a proximity principle approach to the needs of the project. Furthermore, additional information submitted in support of the application confirms that the northern haul route will only be required in connection with the bypass construction works and no longer proposed as a permanent vehicular access to the quarry.
- 5.65 As stated previously, the haulage impacts associated with the use of the quarry are significant and it is considered therefore that proposals involving the import of fill and export of quarried material in connection with the bypass proposals should be time-limited to 3 years from the notification of commencement of landfilling operations and that the transport routes should be restricted to those indicated on the application plans having direct access to the bypass construction site. Whilst not the subject of consideration with this planning proposal, it should be noted that the '*Fishguard to Bangor Trunk Road (A487) (Caernarfon and Bontnewydd Bypass) (Side Roads) Order 201-*'; does make provision for private access arrangements from the A4085 to agricultural land to the north of the quarry as part of the bypass proposals. Any proposals for long-term access arrangements from the A4085 to the quarry will require a further application for planning permission.
- 5.66 Also, amended plans submitted prior to the commencement of development to indicate the worst, intermediate and best case scenario based upon the availability of soils/restoration medium, together with a phased plan of disposal and restoration to target key areas during the lifetime of the development.
- 5.67 The proposal therefore complies with Policy C9, C19, CH33 & CH36 of the Gwynedd Unitary Development Plan as well as Policy PS 5, MWYN 4, MWYN 9 & TRA 1 of the emerging Joint Local Development Plan.

Drainage, the Water Environment & Land Contamination

- 5.68 The Environmental Statement confirms that since clay extraction was last carried out in 2007, the quarry sump has flooded to form a waterbody of around 15m depth, where the water level is controlled via an overflow ditch which discharges into the Afon Seiont at around 13m AOD. When the quarry was operational, the sump functioned as a silt trap and settling lagoon for all water drained from within the excavated area but in addition, water was periodically pumped into a secondary settling lagoon in the south west corner of the brickworks. This lagoon would also intercept surface water from the surrounding operational area including part of the former brickworks yard.
- 5.69 The quarry is formed of heavy clay and the sump is filled with mainly surface water, but could also include ground water seeping from the upper slopes. No groundwater was encountered in any of the trial pits located within the level area of the former brickworks site and brick store on the west side of the river, but groundwater was recorded at relatively shallow depths in two boreholes located on the north-eastern boundary of the site. Two other boreholes drilled in the immediate vicinity were dry, indicating that the groundwater is not continuous across the site, but more likely present in discrete lenses of more permeable material. Minor springs have been recorded on the southern face of the quarry but based on the information provided in the geological ground investigation; the Environmental Statement concludes that the risk of groundwater flooding on this site is likely to be low.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- 5.70 The proposed activities associated with this application will include the extraction of clay and overburden for use in the construction of the bypass but also the importation of surplus materials for use in restoration. The removal of brick stockpiles and the partial excavation of the brick storage area to the west of the concreted yard will reduce the ground level by 1m – 1.5m and allow for greater flood storage capacity. The former brickworks site will also be used as a contractor’s compound including staff welfare facilities, fuel storage, foul water storage tank, maintenance shed as well as concrete and asphalt batching facilities.
- 5.71 To facilitate the operations listed above, water from the quarry void will need to be pumped into the Afon Seiont which has the potential to cause an increase in flood risk downstream. Backfilling the quarry void would reconfigure the ground levels to 15m AOD permanently displace the water feature which has established since the premature cessation of operations in 2008. In response to consultation, NRW confirm that there is no risk of fish being encountered during the dewatering of the quarry sump. The infilling of the quarry sump would also address any possible dangers associated with the public having access to disused quarry with a deep water body.
- 5.72 In response to the pre-application consultation exercise, Dwr Cymru as statutory sewerage undertaker, carried out an assessment of the anticipated foul discharges from the proposed development, as well as mitigating measures to enable a connection to the public sewerage system. In response to their concerns about overloading the Waste Water Treatment Works, the applicant confirmed the use of an; ‘above ground mobile storage tank’ to store any sewage generated for the duration of the project. In response, both NRW and Gwynedd Public Protection expressed a preference for mains sewage connection, given that the site is within a reasonable distance of the existing treatment infrastructure and to follow the drainage hierarchy. NRW recognise however that the works are temporary and that it may not feasibly be able to follow this hierarchy due to the cost of required upgrades, time to implement any upgrades and potential cost of removing infrastructure designed to be permanent at the end of a short project.
- 5.73 NRW have provided a comprehensive list of comments which outline a specific itinerary of requirements and conditions to be imposed on any grant of permission, including the requirement to specify full details of the storage tank to be submitted for the approval of the local planning authority prior to works commencing with a further condition requiring that any temporary infrastructure related to foul drainage on the site is fully decommissioned and removed from the site when the permission expires.
- 5.74 Planning Policy Wales requires that for development management and flood risk, “*it is essential that Natural Resources Wales’ advice is obtained and given due weight as a material consideration by planning authorities in determining individual applications*”. TAN15 further states that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, i.e. a ‘Flood Consequence Assessment’. The site is partially contained within a C2 as per Development Advice Maps of TAN15: Development and Flood Risk. NRW confirm that the Flood Consequences Assessment submitted in support of the application provides an accurate estimate on possible flood risk which demonstrates that the developable part of the site (*site buildings & car parking areas*) is to remain flood free for various flood events including the extreme flood event (0.1% AEP or 1 in 1000 event). As previously stated, flood storage capacity may be increased in the former brick storage area where material will be removed. It may be concluded that the development will not increase flooding elsewhere and the site haul road may provide an alternative if temporary means of escape for occupants of Seiont Mill Road during flood events.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- 5.75 The site is not included on the Authority's register of contaminated land but in respect of dealing with potentially unstable or contaminated land paragraph 13.5.1 of Planning Policy Wales states; *"The planning system should guide development to lessen the risk from natural or human-made hazards, including risk from land instability and land contamination. The aim is not to prevent the development of such land, though in some cases that may be the appropriate response. Rather it is to ensure that development is suitable and that the physical constraints on the land, including the anticipated impacts of climate change, are taken into account at all stages of the planning process. However, responsibility for determining the extent and effects of instability or other risk remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners"*.
- 5.76 Chapter 10 of the ES and the supporting appendices; 'condition report, ground contamination investigation and risk assessment', concludes that; "the results of sampling and analysis have not identified any contamination within the ground strata at the site that could be a risk to human health other than very low quantities of asbestos. However the majority of the site is already covered with a concrete slab, which will remain, and other areas of the site not surfaced will be capped with a sealed surface or aggregate to allow vehicle movement within the site compound. The risk of human exposure to the ground strata is therefore negligible" and further;" ...no elevated concentrations of contaminants were identified and therefore there is no source to leach. In the absence of any leached contaminants there can be no risk to controlled waters".
- 5.77 In response to consultation, NRW state that controlled waters underlying the site not of the highest environmental sensitivity and on the assumption that gross contamination is not present at this location the requirements of PPW and The Guiding Principles for Land Contamination should be followed. If gross contamination is found the MPA should re-consult with NRW and recommend that the developer should follow their risk management framework, model procedures and 'Guiding Principles for Land Contamination and the Principles and Practices for Groundwater Protection (GP3).
- 5.78 Both NRW and Gwynedd Public Protection Service recommend a planning condition to specify that if during the development, contamination not previously identified is found to be present, no further development (unless otherwise agreed in writing) shall be carried out until a remediation strategy shall be submitted for the approval of the MPA.
- 5.79 Notwithstanding the above, and in accordance with Planning Policy Wales, Gwynedd Council as mineral planning authority will be required to issue a notice with any grant of permission; *"to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that, although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from contamination"*.
- 5.80 There is also a requirement for general environmental management of the day to day operations including the installation of oil interceptors in surface water drainage systems, sufficient containment for run-off within materials storage and working areas including prevention of sediment laden drainage from haul roads to any watercourse and a requirement to monitor all pollution prevention measures to ensure no further deterioration of the Llyn and Eryri groundwater body.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

5.81 The applicant confirms in the Environmental Statement that a Construction Environment Management Plan will be produced at the implementation stage in order to ensure good practice and mitigation to protect the water environment. The submission of such details under planning condition should summarise the scope of the development under consideration, the working conditions on site and measures to control environmental effects such as movements of HGVs, wheel wash facilities, sheeting of vehicles, secure storage areas, air quality, working hours, noise/vibration, waste management and pollution. The Construction Environment Management Plan should also outline a scheme of environmental control, e.g. monitoring potential run-off from silt & waste materials to mitigate for the potential environmental impact of the development & spill procedures. However, whilst it may be feasible to request the submission of a report under condition to demonstrate compliance, it would not be the intention to duplicate controls under the remit of NRW that would otherwise be the requirement of an Environmental Permit.

5.82 The site will require separate operating licences from Natural Resources Wales including a consent to discharge into the ground or watercourse and a permit under the Environmental Permitting Regulations for waste disposal operations. It is the intention therefore with any permission granted to issue a note to applicant to consult with Natural Resources Wales, Welsh Water and Gwynedd Council Flood Risk and Coastal Erosion on any issues that fall directly within their remit.

5.83 In terms of the assessment of planning matters, it is considered that the application and Environmental Statement provides a comprehensive assessment and suitable mitigation for issues concerning the control of surface water flows, flood risk, environmental protection and prevention of pollution and the proposal conforms to the requirements of Policies A1, A3, B28, B30, B32, B33, C3, C9, C15, C19 & C22 of the Gwynedd Unitary Development Plan as well as policies PS5, PS6, PS18, PS19, PCYFF 1, PCYFF5 GWA2, MWYN 4 & MWYN 9 of the emerging Joint Local Development Plan.

Land Stability

5.84 The ES confirms four boreholes drilled on land immediately to the north of the quarry workings where a new haul road is proposed to connect with the route of the bypass and states that; *“boreholes, drilled up to 15 metres deep, show that a slightly gravelly sandy silt clay Glacial Till ranging in depth from 4 to 8 metres deep, overlies a weathered siltstone. Groundwater was encountered in the southerly two boreholes, BH3 and BH4, rising to 2 metres and 5.25 metres below ground level, respectively”*. The ES confirms that a geotechnical specialist undertook an inspection of the land and quarry slope to the south west of the boreholes and noted recent and ongoing instability with slumped soils, tension cracks, slips and scarp faces extending down the slope.

5.85 The area of instability appears to extend across a face of approximately 160 metres on the north east side of the quarry and the issue of instability was recognised with the submission of additional information as part of the initial review of minerals operations in 2000. A geological study submitted in support of the proposals raised concerns about groundwater and ground conditions on the same slope, given anecdotal evidence of landslips which appear to be as a result of liquefying clay exposed in the excavated face. The report further confirms that a brick well house sits close to the north-eastern boundary of the quarry, suggesting the location of a spring at this point which could be linked to instability and seepages of water that occur on the quarry slope.

5.86 As a result, proposals to stabilize the quarry slopes were incorporated into the ROMP proposals to remove a substantial volume of overburden and brick clay from the steep eastern slopes. The new proposals for stabilising the slope will retain the full length of the hedge and

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

the top of Pen-y-bryn and provide a shallower natural-looking final slope with a which can be restored to a more stable, accessible gradient with more naturalistic qualities than the existing berms. The proposal will address land stability issues evident in the clay and glacial deposits and the risk of potential landslip, although the site itself is not included in the authority's register of unstable land. Paragraph 13.9.2 of Planning Policy Wales states; "*where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures*". The proposal therefore complies with Policy B28, C9, C14 & C19 of the Gwynedd Unitary Development Plan and Policies PCYFF 1, MWYN 4, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.

- 5.87 PPW further states that; "*when planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner*". A 'note to applicant' should also; "*advise the applicant that although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability*". As previously stated, the infilling of the quarry sump would also address any possible dangers associated with the public having access to disused quarry with a deep water body.

Biodiversity

- 5.88 There are issues concerning biodiversity with this proposal that may be considered on many levels. The site itself is not subject to any environmental constraints such as an European SAC or National SSSI designation and for the most part, does not include any local biodiversity constraints, with the exception of the former brick store located within the river meander which includes dilapidated buildings and mature broadleaved woodland, which is designated as a local wildlife site under policy B17 of the Unitary Development Plan.
- 5.89 There exists however, established pathways connecting the site with statutory SAC designations within the wider landscape. As competent authority for the purposes of the Habitats and Species Regulations 2010, Gwynedd Biodiversity has undertaken a test of likely significant effects, the conclusions of which are summarised below (*Habitat and Species Regulations Assessment*).
- 5.90 Although the greater part of Seiont Quarry is not designated as a Wildlife Site, the council's Biodiversity service state that it is likely to support many species of national and local importance including, nesting birds, dragonflies and damselflies, reptiles, bats, badger, otter & invertebrates, specifically the Dingy Skipper butterfly listed under section 7 of the Environment Act 2016, as a UK biodiversity priority species.
- 5.91 With the suspension of minerals operations in 2008 and subsequent demolition of the brick manufacture plant, the quarry has developed into a site of high biodiversity value, including the establishment of planted trees & natural regeneration. Sufficient evidence gathered at the site concludes that the quarry contains a range of habitats including:
- neutral grassland, wet seepages, agriculturally improved grassland
 - scrub, broad-leaved woodland, hedgerows
 - lake, open water, ditches, river
 - bare ground (concrete & clay), debris (bricks & concrete), open mosaic habitat
- 5.92 With respect to protected species, Gwynedd Biodiversity and NRW have stated concerns about the completeness of the survey information included in the Environmental Statement to ascertain the full range of habitats and species affected by the development proposals. It is likely that the site supports species of otter, badger, reptiles and nesting birds which are afforded statutory protection under the Wildlife and Countryside Act 1981. For the most part,

it will be the bypass proposals that will impact on potential habitats across the back face of the quarry. With the exception of the northern haul route, the proposals under consideration here are contained within previously disturbed land, although a condition could be imposed to provide mitigation for any possible impacts on nesting birds, reptiles & badgers, i.e.

- no site clearance during the bird breeding season (1st April until 1st August) unless it can be proven that no nesting birds are present,
- measures to avoid harm to reptiles implemented in advance of each phase of excavation & soil stripping,
- ascertain the presence of badgers and implement mitigation measures to ensure the protection of this species and provide the mpa with details of any alternative sett that may be required.

5.93 The Environmental Statement confirms a walkover survey of the Afon Seiont and the quarry in order to identify any sensitive features and establish the presence or absence of otter activity. The Afon Seiont is used by otters and whilst the quarry sump and wet ditch could provide a corridor suitable for otter movement to and from the river environment, there was no evidence at the time of survey to confirm that the site itself supports a population of otters. The ES does confirm however that precautionary mitigation will be implemented during construction and in this regard, it is considered that works required to remove brick stockpiles and reduce the level of the brickyard to the west of the Afon Seiont constitutes the greatest risk. The submission confirms that the stone revetment on the river bank and riverside trees will be retained for amenity reasons but in addition, such provision could be retained in the interests of protecting local biodiversity and potential impacts on protected species. A pre-commencement condition requiring the demarcation of a suitable stand-off distance to the river by means of a fence could be imposed but also, reference to a detailed restoration plan and cross-sections to confirm the extent of the works in this area of the quarry.

5.94 A Lesser horseshoe bat hibernation roost has been recorded in a derelict building in the former brick storage area but also brown long-eared, common pipistrelle, soprano pipistrelle myotis and noctule bats present within the vicinity of the site. The quarry contains suitable foraging habitats for lesser horseshoe bats such as scrub, grassland and woodland.

5.95 There are possible impacts of the development on foraging and commuting routes of bats and that a lighting scheme should be submitted for the approval of the mineral planning authority. Furthermore, written consent must be obtained prior to any clearance of mature vegetation/linear features which may be used by bats. The ES does state that; *“mitigation measures will be incorporated into working method statements, including a pre-works bat survey of any trees which require removal, and a lighting strategy. The lighting strategy will ensure that artificial lighting is kept to a minimum and directed away from habitat features such as hedgerows and woodland edges which may be used by bats, and will adopt the following principles:*

- *avoidance of the use of external lighting when and where possible;*
- *minimisation of the period for which external lighting is on; and*
- *directional control of lighting to minimise spillage beyond the Construction Compound”.*

5.96 The exact specification of any external lighting could be the subject of a planning condition as would the removal of vegetation. However, the default position concerning the use of the existing haul route for the purposes of the development is that prior to the closure of the site in 2008, the same haul route was the principle means of transporting mineral from the working face down to the brick manufacturing plant, i.e. as permitted under the ROMP determination. Any engineering works required to the haul route would require the removal of birch regeneration which has colonised the western benches of the quarry. For the most part

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

however, the haul route will follow the route of the existing track at a lower level to the copse of mature trees located on the western flank of the site.

5.97 Whilst the sustainability objectives of Planning Policy Wales promotes the preference for the re-use of vacant or underused land, the regenerative capacity of the site in terms of ecological value needs to be recognised. Chapter 4, Planning Policy Wales (Edition 9 –November 2016), provides a definition of previously developed land where provision for restoration has not been made through development management procedures. There are areas of the quarry that could satisfy the following exclusion criteria cited under the Figure 4.4 definition:

- Land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings.

5.98 As previously stated, a ‘do nothing scenario’ is often the best approach for restoration on minerals sites to promote biodiversity and areas of the quarry which have re-vegetated could provide a conservation model or template to integrate elements of biodiversity into the scheme of restoration. Notwithstanding, the site was fully operational as recent as 2008 and although parts of the site have developed into wildlife habitat since that time, it should be borne in mind that operations involving the winning and working of minerals site may recommence under the terms of the ROMP determination at any time and without prior warning.

5.99 In consideration of all of the above, whilst the operations will impact on newly established habitat within the site it is not considered that the nature conservation value thereof would outweigh proposals for the re-use of the site, given that there is clear evidence that the site has the capacity to regenerate in a fairly short period of time.

Habitats and Species Regulations Assessment

5.100 Under the Habitats Regulations 2010, plans and projects that are not for the management of a European Site should be assessed for their significant effects to any European Sites. There are several European Sites that could possibly be affected by this proposal at the Brickworks:

- Menai Strait and Conwy Bay SAC
- Glynllifon SAC
- Afon Gwyrfai a Llyn Cwellyn SAC

5.101 Menai Strait and Conwy Bay Special Area of Conservation (SAC)

- The Menai Strait SAC is 1.8km from the Brickworks.
- The Menai Strait SAC is mostly subtidal and it is designated for its marine habitats

5.102 The habitats of the Menai Strait and Conwy Bay SAC are sensitive to toxic contamination from industrial outfalls/accidental spillages/contaminated leachates from waste facilities/domestic effluent outfalls.

5.103 The proposed compound is located within 20meters of the River Seiont and within the C2 flood zone. Flood Consequence Assessment (WaterCo Consultants April 2016) shows that the likelihood of flooding at the proposed compound is low and it unlikely that material stored on the site will be washed into the River Seiont and transported out to sea.

5.104 Conclude that this proposal is unlikely to have a significant effect on the Menai Strait SAC.

5.105 Glynllifon Special Area of Conservation

- The Glynllifon SAC is designated for its population of lesser horseshoe bats.
- The Brickworks is 6km from the Glynllifon SAC.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- 5.106 Lesser horseshoe bats are able to fly more than 14km in one night and it is likely that any lesser horseshoe bats present at the brickworks is associated with the meta-population belonging to the Glynllion SAC. Lesser horseshoe bats are known to roost at the Brickworks, 130 meters from the proposed compound location. This roost is a hibernation site (although bats area present in the summer months) and it has low numbers of bats (3-11). The River Seiont provides an essential foraging and commuting route for lesser horseshoe bats in the area.
- 5.107 The proposal is unlikely to impact the bat roost directly, but any site lighting and the loss of habitats could reduce the foraging abilities of the bats or sever their commuting routes. The proposal would not have long term impacts to the lesser horseshoe bat population; however it is important that the site be restored to a habitat that is suitable for bats.
- 5.108 Afon Gwyrfai a Llyn Cwellyn SAC
- The Afon Gwyrfai SAC is designated for habitats and species:
- 5.109 The only feature of the Gwyrfai SAC that could be affected by this proposal is otter. The Seiont River is used by otters and it is very likely that the otter along the Seiont are part of the population associated with the Gwyrfai.
- 5.110 The proposed works are unlikely to affect otters and therefore unlikely the proposal is unlikely to have significant effect on the Gwyrfai SAC. However it is important for the movement of otters through the landscape that the site is restored with ditches/watercourses to create commuting habitat for otters.

Summary

- 5.111 The proposal to use the site as a site for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including compound, offices, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of a haul route, at the disused Caernarfon Brickworks, is not likely to have a significant effect on any sites designated under the Habitats and Species Regulations 2010. NRW agree with the conclusion of the LPA assessment under the Conservation of Habitats and Species Regulations 2010 that there will be no significant risk of impacts on protected sites (SPA/SAC/SSSI) from the development proposals.
- 5.112 In summary, the impact of the proposals includes; the displacement of a waterbody as a consequence of infilling the quarry sump and the placement of imported materials in works of restoration and to address slope stability along the existing quarry faces. Also, the removal of trees, ground vegetation and open mosaic habitat for operations involving the removal of material from mineral working deposits, reducing ground levels within the brickyard and engineering works required for the re-alignment of haul routes. It is not considered that there will be significant biodiversity concerns with the temporary use of the concrete yard as a site compound other than the removal of self-seeded buddleia. Whilst the application plans include for the restoration of the concrete slab to low maintenance grassland, it remains an option to remain in situ given that any groundworks may require a scheme of further ground investigation should any contamination be encountered. There remains an obligation to treat & restore the concrete hardstanding under the terms of the minerals permission which has partially been complied with following the demolition and removal of the brick manufacture plant. However, if the greater part of the site is to be restored in accordance with conservation objectives to a nature reserve, the hardstanding may be utilised as a car parking facility and the proposal would therefore comply with policies B15, B16, B17, B19, B20, B21, C9, C14

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

& D13 of the Unitary Development Plan as well as policies TWR 1 AMG 4 & MWYN 4, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.

- 5.113 As previously stated, it is considered that the development be conditioned to limit the duration of the operations involving the import of materials for the restoration of the quarry to 3 years from the notification of commencement of landfilling operations required in connection with the bypass works. In addition, a phased plan of disposal and restoration to target key areas during the lifespan of the development will be the subject of condition together with a topographical survey to be submitted for the approval of the mineral planning authority upon cessation of operations to provide a full audit of materials available for restoration.
- 5.114 One of the principle biodiversity issue associated with this development is possible impacts of the proposal on foraging and commuting routes of bats. The restoration objectives could include mitigation for the bat population and key objectives could include;
- Plan for the control and eradication of invasive species
 - Enhance existing bat roost
 - Creation of a mosaic of small ponds across the base of the quarry void
 - Create a larger area of species rich grasslands and features for species e.g. bat roosts, otter holt, hibernation sites for reptiles & sufficient areas for nesting birds
 - Mitigation plan for protected species
 - Scheme of monitoring and aftercare
 - Restore site to nature park

Sustainability matters

- 5.115 Figure 4.2 of Planning Policy Wales provides a definition of sustainable development in Wales where; “sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals”. Furthermore, this report has assessed the sustainability issues of this application in accordance with the goal of sustainable development in paragraph 4.1.1 of PPW to; “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations”, and in accordance with the seven well-being goals of, ‘The Well-being of Future Generations (Wales) Act 2015’ to help ensure that public bodies are all working towards the same vision of a sustainable Wales.
- 5.116 As Mineral Planning Authority, the Council has a duty to ensure that mineral resources are exploited in a sustainable way so that they can make an appropriate contribution to the area’s construction materials requirements. The site is ideally placed as a source of fill material and/or aggregates for the bypass scheme, located immediately alongside the proposed bypass route. This would halve the number of HGVs journeys and mitigate for the amount of HGV miles on public roads over the 2 years of construction. The site could therefore operate as a borrow pit in accordance with the general principles of Policy C19 of the Gwynedd Unitary Development Plan and Policy MWYN 9 of the emerging Joint Local Development Plan.
- 5.117 Although landfill remains the lowest ranking waste management facility, there are few sites locally that have the capacity to deal with the tonnages of unsuitable materials generated by the bypass scheme. In terms of its position, the site provides a ‘proximity principle’ approach to the needs of the bypass project. The restoration and the engineering proposals for Seiont would address any adverse environmental impacts arising from heavy transport on surrounding settlements and bring considerable savings in the amount of fuel used and reductions in vehicle emissions. However, the development at Seiont is sustainable only insofar as it may be considered ancillary to the requirements of a Government funded road infrastructure project and time-limited accordingly, where the recovery of unsuitable

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

materials generated as a by-product of road construction may be used in works of restoration and to address issues of land stability at the site.

The Economy

- 5.118 Technical Advice Note 23, Economic Development states; in determining planning applications local planning authorities need to bear in mind that traditional business use, classes B1-B8, only account for part of the activity in the economy. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations. It further states that; Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development.
- 5.119 As previously stated, the A487 Trunk Road forms part of the strategic road network in North Wales that links with the A55 corridor further along the coast. The bypass scheme will relieve congestion problems in the Caernarfon and Bontnewydd area, providing a link between improved sections of Trunk Road and addressing the requirement for a consistent quality road infrastructure.
- 5.120 There are economic, logistical and environmental benefits to be derived from the use of the quarry in connection with construction of the proposed A487 Caernarfon to Bontnewydd bypass and the proposal is likely to make a positive contribution on the economy of the area in accordance with Strategic Policy 16 of the Unitary Development Plan.

Public Rights of Way

- 5.121 The impacts on public footpaths which traverse the quarry and northern haul route cannot be assessed in terms of the development proposals in that these established rights of way will be the subject of diversion orders implemented in accordance with the requirements of the bypass scheme.

6. Response to the public consultation

- 6.1 The main concerns raised by third parties in response to consultation the application consists mainly of the potential impacts on residential amenity, haulage, noise, dust, vibration & hours of operation, biodiversity, landscape, cultural heritage, flooding, land stability, longevity of operations and cumulative impact with the bypass proposals.
- 6.2 The Mineral Planning Authority has considered these objections as material considerations in preparing a recommendation for this application. Furthermore, the material considerations relevant to this proposal have been assessed having regard to the relevant planning policies and guidance and it is not considered that there is justification to refuse this application.

7. Conclusions

- 7.1 This is one of two current planning applications submitted for development proposals in conjunction with the Caernarfon to Bontnewydd bypass scheme. All of the elements that form part of the sister application C17/0107/19/LL are inclusive in the development proposals submitted with this application. The relevant supporting documentation and environmental information included in the Environmental Statement has been considered within the context of the development proposals included in this planning application.
- 7.2 The site already has the benefit of an extant planning permission for the winning and working of minerals and would be used as a base for operations ancillary to the bypass scheme including site offices, asphalt & concrete batching plants, materials processing facility as well as having the capacity to support the civil engineering works for the disposal of unsuitable

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

materials for restoration and as a source of fill materials derived from the resumption of quarrying operations.

- 7.3 The essential characteristic of a recovery operation is that its principal objective is that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources. The recovery of unsuitable materials generated as a by-product of the bypass construction project may be used in works of restoration but also to address land stability issues evident in the clay and glacial deposits. However, the development at Seiont is sustainable only insofar as it may be considered ancillary to the requirements of a Government funded road infrastructure project and time-limited as accordingly. The general principles of policy C24 of the UDP (landfill & landraise) and GWA 2 of the emerging Local Development Plan will apply in consideration of the development conforming with a number of criteria regarding need, location, scale, ability to manage the site, acceptable after-use provision, alleviating measures, traffic impact and assurance that the development will not harm conservation interests.
- 7.4 The development at Seiont may be considered ancillary to the requirements of a Government funded road infrastructure project and time-limited as accordingly, and Policy C3 of the UDP & Policy CYF 2 of the emerging Local Development Plan are considered relevant, (*proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate*) given that this is a proposal to reuse a site with a valid planning permission having ceased operation in 2008. Also, paragraph 4.9 of Planning Policy Wales, '*preference for the re-use of land*' states that; 'many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives.
- 7.5 There are few sites with sufficient landfill void to deal with the tonnages of unsuitable materials generated by the bypass scheme. The use of Seiont quarry would safeguard the existing consented void space for local construction requirements and would address any adverse environmental impacts arising from heavy transport on surrounding settlements and that of the local road infrastructure, as well as providing a 'proximity principle' approach to the needs of the project. The proposal therefore does not provide additional long-term waste management infrastructure for the disposal of inert waste but rather, an application for development ancillary to the requirements of the bypass scheme which should be completed in a relatively short period of time. The development in principle complies with National and Regional Planning Policy and Guidance as well as the requirements of Policies; A1, A3, C3, C9, C14, C15, C19, C22 & C24 of the Unitary Development Plan and Policies; CYF 2, PCYFF 1, TRA 1, GWA 2, MWYN 4, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.
- 7.6 Although the extent of the workings and former brickworks site are substantive, the site is generally well screened by mature vegetation, surrounding topography and the suburban environment of Caernarfon. It is not considered that the proposal, cumulatively or as a stand-alone project, will have significant impacts on statutory or non-statutory landscape designations. The greatest visual change would occur to the north-west of the clay pit where a new haul road connecting with the bypass construction site is proposed in an area of grazed farmland. The Eryri Hospital and public footpath that runs alongside the river Seiont from the A4085 to Seiont Mill Road would be affected by the establishment and operation of the site compound and the construction of a new haul road. It is considered therefore that with a phased restoration plan to target key areas, the proposal is acceptable in principle in that the development is compliant with Policy B8, B12, B14, B27, C9, C14, C15, C19, C22 & C24 of

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

the Unitary Development Plan as well as Policies AMG 2, AT 1, AONB Policy, PCYFF 1, GWA 2, MWYN 4, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.

- 7.7 It is not considered that the proposal, cumulatively or as a stand-alone project, will have significant long-term impacts on cultural heritage assets or the geomorphological interest of the site and the proposal complies with Policy C9, C15, C19, C22, C24, B3, B6, B7, B12 & B18 of the Gwynedd UDP but also Policy PCYFF 1, AMG 2, AT 1, AT 4, GWA 2, MWYN 4, MWYN 6, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.
- 7.8 Commencement and completion of operations to be the subject of a written notification to the Local Planning Authority to ensure that the works are completed in as short a timescale as possible to minimise disturbance to local amenity. With the imposition of planning conditions to limit the impacts of noise, dust, haulage, hours of working and duration of the project (3 years to allow for the import of material & 5 years in total), it is considered that the development conforms to policy B23, B30, B33, C9, C19 C22 & C24 of the UDP as well as Policy CYFF 1, GWA 2, MWYN 4, MWYN 6 & MWYN 9 of the emerging Joint Local Development Plan. Issues that would otherwise fall within the remit of the Natural Resources Wales have been listed in this report, e.g. ‘the requirement for a waste permit under the Environmental Permitting Regs 2010 will be brought to the attention of the developer by means of a ‘note to applicant’ issued with planning permission, but will not feature in the list of planning conditions on the actual decision notice.
- 7.9 There are economic, logistical and environmental benefits to be derived from the use of the quarry in terms of highway impacts, given that it is located immediately alongside the proposed bypass route. By choosing to make use of a quarry with a direct link to the bypass via internal haul roads, none of the materials haulage movements to and from the quarry would involve the use of HGVs on public roads and the proposal therefore complies with C9, C19, CH33 & CH36 of the Gwynedd Unitary Development Plan as well as Policy PS 5, MWYN 4, MWYN 9 & TRA 1 of the emerging Joint Local Development Plan.
- 7.10 In terms of the assessment of planning matters, it is considered that the application and Environmental Statement provides a comprehensive assessment and suitable mitigation for issues concerning the control of surface water flows, flood risk, environmental protection and prevention of pollution and the proposal conforms to the requirements of A1, A3, B28, B30, B32, B33, C3, C9, C15, C19 & C22 of the Gwynedd Unitary Development Plan as well as policies PS5, PS6, PS18, PS19, PCYFF 1, PCYFF5 GWA2, MWYN 4 & MWYN 9 of the emerging Joint Local Development Plan.
- 7.11 The proposal to use the site as a site for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including, a site compound, offices, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of a haul route, at the disused Brickworks, is not likely to have a significant effect on any sites designated under the Habitats and Species Regulations 2010. NRW agree with the conclusion of the LPA assessment under the Conservation of Habitats and Species Regulations 2010 that there will be no significant risk of impacts on protected sites (SPA/SAC/SSSI) from the development proposals.
- 7.12 The site itself is not subject to any environmental constraints such as a European SAC or National SSSI designation and for the most part, does not include any local biodiversity constraints. Whilst the operations may impact on newly established habitat within the site, it is not considered that the nature conservation value thereof would outweigh proposals for the re-use of the site, given that there is clear evidence that the site has the capacity to regenerate in a fairly short period of time. Subject to appropriate mitigation under planning conditions in

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

respect of protected species and provision for the restoration of the haul road the proposal would therefore comply with policies B15, B16, B17, B19, B20, B21, C9, C14 & D13 of the Unitary Development Plan as well as policies TWR 1 AMG 4 & MWYN 4, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan.

- 7.13 In terms of addressing the issue of potential land stability, proposal complies with Policy B28, C9, C14 & C19 of the Gwynedd Unitary Development Plan and Policies PCYFF 1, MWYN 4, MWYN 9 & MWYN 10 of the emerging Joint Local Development Plan. The infilling of the quarry sump would also address any possible dangers associated with the public having access to disused quarry with a deep water body.
- 7.14 The A487 Trunk Road forms part of the strategic road network in North Wales that links with the A55 corridor further along the coast. The bypass scheme will relieve congestion problems in the Caernarfon and Bontnewydd area, providing a link between improved sections of Trunk Road and addressing the requirement for a consistent quality road infrastructure.
- 7.15 There are economic, logistical and environmental benefits to be derived from the use of the quarry in connection with construction of the proposed A487 Caernarfon to Bontnewydd bypass and the proposal is likely to make a positive contribution on the economy of the area in accordance with Strategic Policy 16 of the Unitary Development Plan.
- 7.16 The proposal satisfies the sustainability goals of Planning Policy Wales and The Well-being of Future Generations Act (Wales) 2015.
- 7.17 Considering the above and having considered all the relevant matters including local and national policies and guidelines, and the observations received including letters of objection, it is not believed that the proposal is unacceptable or contrary to the requirements of the policies noted above. Therefore, based on the above, it is believed that the proposal is acceptable.

8. Recommendation

8.1 To authorise the Senior Manager, Planning and Public Protection Services to approve the application subject to the following scope of conditions and where indicated, the submission of specific information in accordance with the requirements of conditions prior to the commencement of the development;

- Commencement within 3 years
- Duration of the permission limited to 5 years from the notification of commencement with operations involving the import of materials for the restoration of the quarry restricted to the requirements of the bypass scheme and time-limited to 3 years from the notification of commencement of landfilling operations
- Topographical survey to be submitted for the approval of the mineral planning authority upon cessation of operations to provide a full audit of materials available for restoration. If the volume of materials derived from the bypass construction works are insufficient to complete the restoration of the site in accordance with the application plans, an amended restoration plan shall be submitted for the approval of the mineral planning authority
- Phased scheme of restoration to target key areas
- Revised restoration plan for the northern haul route to restore to agricultural use in accordance with the guidelines in Annex B -D of TAN 1 (Aggregates), specifying the quantities and storage locations of all materials set aside for restoration, i.e. no materials extracted in the formation of the haul road to be exported off-site
- Permitted Operations & Compliance with the Submitted Details/Plans
- Operating times as existing; 07:00 - 19:00 Monday to Friday; 07:00 - 13:00 on a Saturday and no mineral working to take place on Sundays, Bank & Public Holidays.

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

- Haulage involving the import & export of materials & deliveries of materials for concrete & asphalt batching restricted to the use of the dedicated haul routes indicated on the application plan
- Full tree and shrub planting schedule in works of restoration,
 - Noise During normal working hours (0700-1900) the noise rating level should not exceed 55dB(A) LAeq,1hr (free field). Evening (1900-2200) limits should not exceed background level by more than 10dB(A),
 - Night time limits should not exceed 42 dB (A) LAeq, 1hr free field at noise sensitive dwellings. (MTAN1).
 - Temporary operations not to exceed 70 dB LAeq, 1h (free field) for up to 8 weeks in a year.
 - Noise monitoring survey as per the written request of the Mineral Planning Authority, to be undertaken in accordance with British Standard BS.4142:2014 'Methods for rating and assessing industrial and commercial sound' to assess and demonstrate compliance /conformity with the boundary noise limit,
 - Use of 'white noise' reversing alarms,
- Remediation strategy if, during the development, contamination not previously identified is found to be present,
- Storage of fuels,
- Requirement to specify full details of the foul water storage tank to be submitted for the approval of the local planning authority prior to works commencing with a further condition requiring that any temporary infrastructure related to foul drainage on the site is fully decommissioned and removed from the site when the permission expires,
- Use of a water bowser on haul routes, dampening of processing areas and processed materials and keeping a log of dust complaints,
- Dust survey to be undertaken for a minimum period of 6 months at agreed locations and that crushing, screening conveying and other operations likely to give rise to airborne dust should be contained within appropriate housing,
- Construction Environment Management Plan to ensure good practice and mitigation to protect the water environment including; working conditions on site and measures to control environmental effects such as movements of HGVs, wheel wash facilities, sheeting of vehicles, secure storage areas, air quality, working hours, noise/vibration, waste management and pollution. Also, the monitoring potential run-off from silt & waste materials to mitigate for the potential environmental impact of the development & spill procedures,
- Provision for the recording of excavations within the Regionally Important Geological Geomorphological Site (RIGS),
- Exact specification of any external lighting could be the subject of a planning condition as would the removal of vegetation affecting bat flight lines,
- Mitigation for possible impacts on the river environment (Stand-off distance),
- Note to applicant referring to the consultation response of Natural Resources Wales, Gwynedd Council Flood Risk Management and Coastal Erosion service, Gwynedd Public Protection and Welsh Water, referring to specific controls within their remit,
- Note to applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner,
- Note to applicant that the application has been assessed in accordance with the seven sustainability goals of the Well-being of Future Generations Act (Wales) 2015.