

PLANNING COMMITTEE	DATE: 27/11/17
REPORT OF THE SENIOR MANAGER OF PLANNING AND PUBLIC PROTECTION	PWLLHELI

**Number: 7**

**Application Number: C17/0455/22/LL**

**Registration Date: 17/05/2017**

**Type of application: Full - Planning**

**Community: Llanllyfni**

**Ward: Penygroes**

**Proposal: Formation of a vehicular access to Cae Efa Lwyd sand and gravel pit from the Class 3 County Highway at Allt Goch and associated engineering works.**

**Location: Cae Efa Lwyd, Ffordd Clynnog, Penygroes, Caernarfon, Gwynedd, LL546PB**

**Summary of Recommendation: TO AUTHORISE THE SENIOR MANAGER OF PLANNING AND PUBLIC PROTECTION SERVICE TO DETERMINE THE APPLICATION UNDER DELEGATION**

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## 1. Description:

- 1.1 Ellesmere Sand and Gravel Ltd. have submitted a Minerals Review application under reference C13/0217/22/MW to recommence operations for the winning and working of sand and gravel at Cae Efa Lwyd, Penygroes. The site is classified as dormant under the Environment Act 1995, where the purpose of a Minerals Review is to submit a scheme of working and full schedule of planning conditions for the approval of the mineral planning authority prior to the commencement of operations and that such conditions respond to newly introduced environmental standards and requirements.
- 1.2 Cae Efa Lwyd is located directly west of Penygroes, within an agricultural holding having direct access onto Ffordd Clynnog. In response to consultation on the original ROMP proposals in 2014, the applicant has submitted additional environmental information, including an alternative scheme of working and phasing in order to address the impacts on residential amenity but also the concerns of Gwynedd Council Transportation service in respect of HGVs using the unclassified Clynnog Road and poor visibility at the existing junction onto the Class 3 highway at Allt Goch.
- 1.3 This application proposes a new vehicular access directly onto the adjoining highway at Allt Goch in support of the alternative scheme submitted with the Minerals Review proposals where 100,000 tonnes per year would be extracted for a period of 3 years.
- 1.4 The application does not fall within the description and development criteria set out in Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and therefore does not require screening for an Environmental Impact Assessment.

## 2. Policy Considerations

- 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 Gwynedd & Môn Joint Local Development Plan 2017.
- 2.2 Under the Wellbeing of Future Generations (Wales) Act 2015 the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, and in making the recommendation the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed determination.

### 2.3 Anglesey and Gwynedd Joint Local Development Plan (July 2017)

Strategic Policy PS 5: Sustainable Development  
 Strategic Policy PS 6: Allieviating and Adapting to the Effects of Climate Change  
 Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy  
 Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment  
 Strategic Policy PS 22: Minerals

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POLICY AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the Local Landscape Character  
POLICY AMG 5: Local Biodiversity Conservation  
POLICY AT 4: Protection of Non-designated Archaeological Sites and their Setting  
POLICY CYFF 2: Development Criteria  
POLICY CYFF 4: Design and Landscaping  
POLICY CYFF 6: Water Conservation  
POLICY TRA 4: Managing Transport impacts  
POLICY MWYN 3: Mineral Developments  
POLICY MWYN 5: Buffer Zones Around Mineral Sites  
POLICY MWYN 9: Restoration and Aftercare

**Gwynedd Supplementary Planning Guidance,**

Planning and the Welsh Language, November 2009,  
Gwynedd Design Guidance 2004  
Landscape Character – November 2009

**2.4 National Policies:**

Well-being of Future Generations Act (Wales) 2015 – Welsh Government,  
Policies, guidance and general principles set out in the Welsh Assembly Government  
Planning Policy Wales Edition 9 (November 2016),  
Environment Act 1995,  
Mineral Planning Guidance Note: 14 (Review of Old Minerals Permissions),  
Policies, guidance and general principles set out in the Welsh Assembly Government  
Technical Advice Note (Wales) 5: Nature Conservation and Planning (September  
2009),  
Policies, guidance and general principles set out in the Welsh Assembly Government  
Technical Advice Note (Wales) 11: Noise (October 1997),  
Policies, guidance and general principles set out in the Welsh Assembly Government  
Technical Advice Note (Wales) 18: Transport (March 2007),  
Policies, guidance and general principles set out in the Welsh Assembly Government  
Technical Advice Note (Wales) 23: Economic Development (February 2014),  
Policies, guidance and general principles set out in the Welsh Assembly Government  
Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004),  
North Wales Regional Technical Statement on Aggregates, First Review August

2014.

**3. Relevant Planning History:**

- 3.1 Cae Efa Lwyd Fawr, specifically Field 297, has an existing Planning Permission (REF: 2250  
Re-opening of an existing gravel pit at Cae Efa Lwyd Fawr, Penygroes – dated 10th  
December 1951).
- 3.2 ROMP application ref. C13/0217/22/MW for the determination of conditions on the  
above dormant minerals site (*permission ref. 2250 dated 10<sup>th</sup> December 1951*), under  
the Environment Act 1995.

**4. Consultations:**

Llanllyfni Community Council: Object on the grounds of traffic impacts on the village  
and highway safety impacts on Allt Goch.

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Gwynedd  
Transportation Unit:

No Objection to the proposal but submit the following comments;

- The access is set out in accordance with the application plans,
- It is recommended that conditions be imposed to maintain the easterly visibility splay in accordance with the application plans and secure that vegetation is cut back and thereafter maintained for the lifespan of the quarrying operation,

Include the following notes on the decision notice in respect of the construction of a new access;

- The carriageway edge fronting the access shall be strengthened by means of 125 x 150mm Bullnosed kerbs laid in accordance with the "Council's Standards",
- The applicant should be advised to apply in writing to the Street Works Manager for the necessary consent, as required under Section 171/184 of the Highways Act, 1980, to carry out work within the highway/ footway/verge for the formation of the access,
- The access shall be laid out strictly in accordance with the submitted plan.
- The Applicant shall take all appropriate measures to prevent surface water from within the curtilage of the sites to discharge onto the county highway.

Welsh Government  
Transportation Unit:

Welsh Government as highway authority for the A487 trunk road does not issue a direction in respect of the proposal.

Natural Resources  
Wales:

No objection to the proposal but submit the following comments;

- Badgers are within the vicinity of the proposed works. The construction works should be carried out in a manner that minimises disturbance to badgers, e.g. checking hedgerows before removal, covering excavated pits when not being worked on,
- Concerned that the activity at this site will lead to suspended solids entering nearby watercourses. Construction work must be carried out in accordance with the NRW's standard conditions for work next to watercourses. Should any pollution or discolouration become apparent, work must stop and working practises be reviewed in consultation with NRW. The applicant is advised to follow the guidance within Guidance for Pollution Prevention 5 "Works and maintenance in or near water".

Gwynedd Biodiversity

- The field appears, to be agriculturally improved

- Unit: grassland which is a habitat of low biodiversity value,
- The main habitat of interest is the cloddiau, the traditional earth and stone banks along the field boundaries. The proposal will result in the total loss of 52 meters of field boundaries (26 meters along the road and 36 along the field boundary into the quarry). Cloddiau are a habitat of high local biodiversity value and an action plan for cloddiau is within Natur Gwynedd, the County's Biodiversity Action Plan which seeks to protect and enhance the biodiversity of Gwynedd. Cloddiau often support many woodland and meadow plants as well as breeding birds, invertebrates and reptiles.
  - Recommend that to mitigate for the loss of cloddiau habitat that new cloddiau are built along the boundaries of the proposed new access (see attached plan). The cloddiau should be constructed in a traditional way, faced with vertically placed stone and planted with native hedgerow trees. A method statement should be provided detail how the cloddiau will be constructed and it should seek to use the stone and soil and plants from the existing cloddiau.
  - The applicant can either provide amended plans and details as part of their application or it can be a condition of a planning permission.

Dŵr Cymru: No comments to make on this application

- Gwynedd Land Drainage and Coastal Protection:
- No comments to make on the application as it does not appear from the available information that the proposal will affect a watercourse,
  - Dispersal of surface water from the proposed development should be in accordance with TAN 15 (*Development and Flood Risk-Welsh Government*).

- Gwynedd Public Protection Unit:
- Public Protection would prefer the Alternative Access scheme based on the shorter duration of operations, subject to the following requirements;
- Use of access & operation of the site restricted to 08:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 12:00hrs on Saturdays and not at all on Sundays or Bank Holidays,
  - Written record maintained at the site office of all HGV movements/output and that such records contain the vehicle's weight, registration number, time and date of vehicle movements and that such records be made available for inspection by the mineral planning authority upon request at any time during permitted working hours,
  - The number of vehicles and daily movement of

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- HGVs should be restricted by condition,
- Details of a wheel wash facility to be submitted for the approval of the mineral planning authority specifying the location, design, specification and controls to ensure correct usage.

Gwynedd  
Archaeological  
Planning Service:

No Response

Public Consultations:

Site Notices posted at two locations in Cae Efa Lwyd on 23<sup>rd</sup> May 2017, together with neighbour notification carried out at the same time.

A total of 6 local objections have been received in response to statutory publicity highlighting the following concerns;

Grounds for Objection:

- Alternative access not required if the development does not go ahead,
- Concerns about road safety & risk to pedestrians and other road users in consideration of the proximity of the existing Ffordd Clynnog junction,
- Scale of output,
- Wider impacts of the development on sensitive properties to the east of Ffordd Clynnog,
- Impacts on the amenity of neighbouring residents and increase in traffic,
- Flaws in the traffic report undertaken in November on account of lighter traffic over the winter months with vehicles travelling at slower speeds during dark hours,
- Report does not account for summer holiday traffic & the possibility of vehicles travelling at faster speeds on approach to the proposed access where HGVs will be moving at slower speeds,

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- Blind spots on the highway & lorries leaving the proposed quarry access hidden behind an embankment,
- Road unsuitable for the stated amount of heavy traffic and subject to a 7.5 tonne weight restriction,
- Width of Allt Goch does not allow sufficient room for cars to turn onto the carriageway from the Clynnog Road junction without crossing the path of oncoming vehicles,
- 20-tonne lorries will tear up the road surface when turning,
- Increase in traffic causing a loss of privacy for residents of Clynnog Road
- Health impacts attributed to dust emissions & relationship between PM10 particulates, or smaller, on human health
- Prevailing wind from a SW direction towards Penygroes

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

- Question the location for convening the planning committee,
- Scope of Gwynedd Council advice notes on 3<sup>rd</sup> party representations on planning applications and guidance for speaking at committee.

## 5. Assessment of the Relevant Planning Considerations:

### Principle of the development

- 5.1 Planning Policy Wales Edition 9, integrates the Welsh Government's planning policies for minerals development which were previously set out in Minerals Planning Policy Wales (2001). In accordance with the requirement of PPW 9, Gwynedd Council as Mineral Planning Authority 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.
- 5.2 Technical Advice Note (Wales) 1: Aggregates (MTAN1), sets out an overarching objective to ensure a sustainable managed supply of aggregates; "*.... so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance*".
- 5.3 As previously stated, this application proposes a new vehicular access directly onto the adjoining highway at Allt Goch in support of an alternative scheme of working and phasing submitted with the Minerals Review proposals, where 100,000 tonnes per year would be extracted for a period of 3 years. Within the context of an application for the determination of conditions under Initial Review, the principle of quarrying has already been established with the registration of a dormant minerals site. This application proposes to address the traffic impacts on residential amenity and longevity of operations but also the concerns of Gwynedd Council Transportation

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service on the suitability of the existing access and unclassified road shared with residential properties on Clynnog Road.

- 5.4 With respect to the need for the development, the proposal therefore does not provide an extension to the authority's landbank of sand and gravel reserves, with regard to current national policy and guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement. Its purpose is ancillary to the use of land for the extraction of minerals at Cae Efa Lwyd. There are few permitted reserves of sand and gravel in North West Wales and this proposal will provide the infrastructure required to secure the continued supply of sand and gravel for the local building economy and ensure that the Council can fulfil its apportionment obligations of supplying minerals for the North Wales sub-region. This will reduce the need to import materials from outside Gwynedd, thereby minimising costs and carbon emissions.
- 5.5 Subject to the assessment of all other material planning considerations, the development addresses the strategic criteria of Policy PS 22 and development criteria under Policy MWYN 3 of the Gwynedd and Môn Joint Local Development Plan.
- 5.6 However, with respect to the long-term use of the access, the application details on the ROMP submission indicate that it be retained for maintenance purposes. However, it is considered that the existing access onto Ffordd Clynnog, or farm access through Cae Efa Lwyd Fawr would be sufficient for the purposes of aftercare on the restored land and/or maintenance requirements given that such arrangements for agriculture have been used for many years. In addition, Planning Policy Wales states; "*when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction, and to bring discernible benefits to communities and/or wildlife*". Therefore, in accordance with the requirements of policies MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan, a condition imposed on any grant of permission shall restrict the alternative access as ancillary to the use of land as a mine and that the application site be restored upon cessation of operations in accordance with a scheme submitted for the approval of the mineral planning authority.

### **Visual Amenities**

- 5.7 The proposed access is located to the south west of the dormant minerals permission at Cae Efa Lwyd, where it will open out onto the Class 3 highway at Allt Goch. The development would be ancillary to operations involving the winning and working of minerals and would involve the formation of a cutting some 70m in length, 45m in width at its widest point and a maximum of 4m depth at the point where the haul road enters the quarry.
- 5.8 The site is not subject to subject to any nationally designated landscape constraints nor locally designated, 'Special Landscape Area' in the Gwynedd & Môn Joint Local Development Plan. A landscape and visual assessment of the ROMP development has been completed in accordance with the Guidelines for Landscape and Visual Impact Assessment (LVIA) and makes an appraisal of the site together with an evaluation of the surrounding landscape including the direct and indirect (physical & non-physical) impacts of the development on the surrounding landscape, as well as local impact. The formation of a new access is a comparatively small element of the overall scheme and constitutes a temporary use of land where the cumulative impact with the ROMP proposals has been assessed.
- 5.9 Possible visual and landscape impacts during the operational period include a combination of plant machinery extracting material, vehicle movements, stockpile



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storage & screening mounds, and loss of landscape elements including landform and vegetation during extraction. The Landscape and Visual Impact Assessment concludes that the proposed development during the operational phase will cause a slight adverse to notable adverse effects on the landscape character area immediately surrounding the site and very slight adverse to slight adverse effects on landscape character further afield (*eastern end of Penygroes, Llanllyfni and scattered dwellings to the south towards the Llyn AONB*). Receptor groups within 500m of the site were assessed as being most susceptible to adverse visual effects and include residential properties along Ffordd Clynnog but also, transient users of Ffordd Clynnog, vehicles travelling along Allt Goch and users of public rights of way.

- 5.10 The landscape impacts of the proposal however, may be further reduced via the proposed mitigation and restoration works designed to assimilate the area of extraction to the surrounding landscape. As previously stated, a condition may be imposed on any grant of permission stipulating that the application site be restored upon cessation of operations in accordance with a scheme submitted for the approval of the mineral planning authority. It is recognised that varying techniques and methods of restoration and planting may be sought and it is important for the success of the scheme that restoration objectives are tailored specifically. In addition to agricultural restoration, the scheme should include landscape elements that provide the optimum conditions for wildlife habitat & biodiversity enhancement including the reinstatement of cloddiau along the boundary of the mineral working and the planting of hedgerow alongside the Allt Goch highway.
- 5.11 The provision of an alternative access is a temporary use of land which is ancillary to mining operations and it is considered therefore that, subject to a detailed scheme of restoration and aftercare to be agreed under planning condition, the development complies with the requirements of Policy AMG: 3, MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan.

### **General and Residential Amenities**

- 5.12 In response to consultation, Gwynedd Public Protection service stated a preference for the alternative scheme of extraction in conjunction with the use of a new access. It is proposed that approximately 320,000 tonnes of material will be excavated at a rate of 100,000 tonnes per year for 3 years at 19 loads per day. Although there is the potential for short-term nuisances generated by residues & emissions during the operational phase, the restricted timescale will mitigate for any possible long-term impacts on local residential amenities as well as any detrimental impacts on users of the Allt Goch highway, given that the operation will be restricted to off-site haulage of materials taken to the existing operation at Cefn Graianog for processing.
- 5.13 Both Minerals Planning Policy Wales and MTAN1: Aggregates have established the principle of buffer zones around mineral extraction sites, where the objective is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Sensitive development is defined in MTAN1 as; “*any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity is expected*”. A buffer zone is defined from the outer edge of the operational area, including site haul roads and lagoons. MTAN1 recommends a minimum distance of 100 metres for sand and gravel operations and others where no blasting is permitted.
- 5.14 Whereas tension exists between the ROMP proposals and planning policy requirements to establish a separation distance between potentially conflicting land

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uses, there are no sensitive properties located within a buffer zone of 100m applied to the area of the proposed access track under policy MWYN 5 of the Gwynedd UDP. Furthermore, the access track will be contained within a 4m cutting at the point where it enters the area of the ROMP working.

- 5.15 The impacts on the amenity of neighbouring properties along Ffordd Clynnog have been assessed with the ROMP proposal under ref. C13/0217/22/MW. It would be expedient to impose conditions on the ROMP in respect of the control of noise, air quality, vibration in the interests of environmental protection and the residential amenities of the area. With respect to the use of an alternative access, Gwynedd Public Protection also request that the development be subject to the following requirements;
- Use of access restricted to 08:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 12:00hrs on Saturdays and not at all on Sundays or Bank Holidays,
  - Details of a wheel wash facility to be submitted for the approval of the mineral planning authority specifying the location, design, specification and controls to ensure correct usage.
- 5.16 With the imposition of appropriate planning conditions to ensure that the development is ancillary to the winning and working of minerals under ROMP, it is considered that the development, conforms to policy MWYN 3, MWYN 5 & PCYFF 2 of the Gwynedd and Môn Joint Local Development Plan.

#### **Traffic and Access Matters**

- 5.17 The transport assessment submitted in support of the application confirms current and predicted movement values including an Automatic Traffic Count (ATC) survey taken at two locations at Allt Goch between 11<sup>th</sup> & 17<sup>th</sup> November 2015. In terms of traffic volumes, the ATC results reveal that the average daily traffic flow between the Clynnog Road Junction and the A487 was 1163 vehicles over the seven day measurement period.
- 5.18 Policy TRA 4 of the Joint Local Development Plan states; *“Proposals that would cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks including pedestrian and cycle routes, public rights of way and bridle routes, will be refused. The degree of unacceptable harm will be determined by the local authority on a case by case basis”*. The alternative proposals include for an output of 100,000 tonnes per year for a quarry lifespan of 3 years, exporting between 18 and 20 loads or 36 – 38 HGV movements per day, which would equate UP to 2 x 20-tonne loads or 4 movements per hour.
- 5.19 The proposal for a new access has been submitted in response to the concerns of Gwynedd Council Transportation on the movement of HGVs along the unclassified Clynnog Road and poor visibility at the existing junction onto the Class 3 highway at Allt Goch. The proposal for a new and dedicated access would be the preferred option as it would direct heavy traffic away from Clynnog Road and would facilitate the implementation of the ‘Alternative Scheme’ as indicated on the application plans, i.e. a phased sequence of operations from west to east with an unbroken screen bund along the eastern and southern boundary of the site. In response to consultation, Gwynedd Transportation Service confirmed that they have no objection to the proposal subject to the inclusion of specific technical notes and conditions to stipulate that the access is set out in accordance with the application plans, and that the easterly visibility splay be maintained with a requirement that vegetation is cut back and thereafter managed for the lifespan of the quarrying operation.

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- 5.20 It is considered therefore that the new access is of sufficient standard to deal with the flow of traffic expected from the site and therefore conforms to the requirements of Strategic Policy PS4 and Policy PCYFF 2, TRA 4 and MWYN 3 of the Joint Gwynedd & Môn Local Development Plan. The highway authority technical guidance notes may be included as a note to applicant with the decision notice.
- 5.21 Notwithstanding, it should be noted that despite the Highway Authority's concerns as to the use of the existing access onto the unclassified Clynnog Road, this is the access as indicated on the application plans and conditions imposed on the grant of the original planning permission. The fall-back position as far as the ROMP proposals are concerned is a scenario where 50,000 tonnes per year for 7 years using the existing access onto the Ffordd Clynnog unclassified road. Based upon the site operating between 08:00hrs & 18:00hrs Monday to Friday and 08:00hrs & 12:00hrs on Saturdays, the site would export between 9 and 10 loads or 18 – 20 HGV movements per day, which would equate to 1 x 20-tonne load or 2 movements per hour.

### **Hydrology & Hydrogeology**

- 5.22 Gwynedd Land Drainage and Coastal Protection have no comments to make on the application as it does not appear from the available information that the proposal will affect a watercourse, but require that the dispersal of surface water from the proposed development should be in accordance with TAN 15 (*Development and Flood Risk-Welsh Government*). Natural Resources Wales have provided an itinerary of requirements in respect of the ROMP proposal to alleviate their concerns on surface water and pollution prevention management and further state that a permit may be required for the discharge of site drainage to any waterbody. NRW require that any construction work must be carried out in accordance with the NRW's standard conditions and should any pollution or discolouration become apparent, work must stop and working practises be reviewed in consultation with NRW. The applicant is advised to follow the guidance within Guidance for Pollution Prevention 5 "Works and maintenance in or near water".
- 5.23 In response to NRW's concerns as to how surface water will be managed on the site, the applicant confirms that a surface water management plan may be conditioned as part of the ROMP determination and it is likely that such a scheme would be the subject of approval prior to the commencement of operations on site. In their response, the applicant does provide a broad outline of surface water management on site including amongst other requirements;
- *A small bund established around the periphery of the site will contain any surface water to within the quarry and which will be allowed to dissipate and drain naturally through the in situ mineral via a soakaway whilst the site is in operation. The soakaway will be retained as part of the restoration proposals within the north western void of the quarry which will provide an ephemeral water body with additional advantages for wildlife.*
  - *A drain will be installed alongside the access roads to contain the run off from the road.*
- 5.24 Subject to a condition requiring the implementation of the above measures and note to applicant setting out NRW's statutory advice to prevent the pollution of the local water environment, it is considered that the proposal conforms to Policy PCYFF 2, PCYFF 6 & MWYN 3 of the Gwynedd & Môn Joint Local Development Plan.

### **Ecology and the Impacts on Protected Species**

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- 5.25 The ecological report and mitigation proposals, submitted as part of the ROMP, include an extended Phase 1 Habitat Report which identifies a range of flora and fauna within the site. For the most part, the site comprises of improved and semi-improved lowland acid grassland but also, historic features that may provide habitat such as field boundaries. An assessment to ascertain the presence of a range of protected species has been undertaken and there is evidence of a Badger Sett within the old mineral workings.
- 5.26 The main concern for biodiversity and protected species is the presence of Badgers on site, which are protected under the Badgers Act 1992. NRW state in their consultation response that construction works should be carried out in a manner that minimises disturbance to badgers, e.g. checking hedgerows before removal, covering excavated pits when not being worked on.
- 5.27 The application area comprises improved pasture of low biodiversity value but also, field enclosures & hedgerow of varied construction and state of repair, which could provide hibernation sites for reptiles, nesting sites for breeding birds and habitat for lichens as well as being features of historic significance within the local landscape.
- 5.28 The proposal will result in the total loss of 26 meters of hedgerow along the road and 36 meters of cloddiau along the field boundary abutting the quarry and Gwynedd Biodiversity recommend that to mitigate for the loss of habitat, new cloddiau are built along the boundaries of the proposed new access. However, given that Gwynedd Transportation request that visibility splays be maintained with the management and cutting back of vegetation, highway safety matters take priority. The reinstatement and aftercare of all field boundaries could be the subject of a planning condition including the construction of cloddiau using materials recovered from Cae Efa Lwyd and the planting of gorse, locally native shrubs and trees to provide foraging opportunities for a range of species.
- 5.29 Subject to the above scheme of mitigation for badgers and a scheme of restoration and aftercare submitted under a pre-commencement condition, it is considered therefore that the development complies with National Planning Policy guidance as well as Strategic Policy PS 19 and Policy AMG 5, MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan.

### **Archaeology**

- 5.30 The ROMP submission outlines the extent of pre-application discussions with Gwynedd Archaeological Planning Services (GAPS) who confirm that; *“Although there is no recorded archaeology within the site, ..... there is a potential for further archaeological features to exist within undisturbed ground in this area”*.
- 5.31 Although Gwynedd Archaeological Planning Service have not provided comment in response to consultation on this application, it would be appropriate to address potential archaeological impact through planning conditions given that the proposed access is situated within the same agricultural landholding. The following conditions have been proposed for the ROMP application;
- The specification for archaeological work to be submitted for the approval of the mineral planning authority prior to the commencement of development (including ground disturbance works or site clearance),
  - Development and all archaeological work to be carried out in accordance with the approved specification,

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- 5.32 Subject to the imposition of planning conditions requiring appropriate archaeological mitigation prior to and during the course of development, the proposal is compliant with the requirements of PS20 and Policy AT4 and MWYN 3 of the Joint Gwynedd & Môn Local Development Plan.

**Public Rights of Way**

- 5.33 There are no public footpaths or rights of way affected by the proposal and there is no requirement therefore to make any provision for specific stopping-up or diversion orders.

**Sustainability matters**

- 5.34 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.

- 5.35 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 in accordance with the key principles of The Welsh Government minerals planning policy. Gwynedd has a long history of mineral extraction and it remains an important facet of its economic and social make up. The proposal therefore does not provide an extension to the authority’s landbank of sand and gravel reserves, with regard to current national policy and guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement. Its purpose is to supplement the infrastructure required for the resumption of sand and gravel extraction at Cae Efa Lwyd which will ensure that the Council can fulfil its apportionment obligations of supplying minerals for the North Wales sub-region.

**The Economy**

- 5.36 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.
- 5.37 The development proposes additional infrastructure required to re-activate a dormant site where a permitted reserve of mineral exists and will help maintain 13 full time jobs for local, staff employed directly and indirectly as a result of the existing operations at Graianog, Porth Penrhyn & Llandygai Industrial Estate. Furthermore,

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sand and gravel is essential for the local building economy and a local source keeps costs as well as carbon emissions down.

- 5.38 The proposal will therefore be likely to make a positive contribution on the economy of the area in accordance with Strategic Policies PS1, PS5 and PS13 of the Gwynedd & Môn Joint Local Development Plan.

**Response to the public consultation**

- 5.39 The main concerns raised by third parties in response to consultation the application consists mainly of the potential impacts on road traffic, safety of users of the public highway and residential amenity.

- 5.40 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.

**6. Conclusions**

- 6.1 This application proposes a new vehicular access directly onto the adjoining highway at Allt Goch in support of an alternative scheme of working and phasing submitted with the Minerals Review proposals where 100,000 tonnes per year would be extracted for a period of 3 years. Its purpose is to supplement the infrastructure required for the resumption of sand and gravel extraction at the Cae Efa Lwyd Dormant ROMP site which will ensure that the Council can fulfil its apportionment obligations of supplying minerals for the North Wales sub-region. The new access will help mitigate the traffic impacts of the ROMP on residential amenity and longevity of operations but also the concerns of Gwynedd Council Transportation service on the suitability of the existing access and unclassified road shared with residential properties on Clynnog Road.

- 6.2 The site is unconstrained in terms of environmental designations. However, there are issues concerning the potential impact of the development on the amenities of the area given position of the proposed mineral working in relation to surrounding properties.

- The development is acceptable in principle and it would contribute to the landbank of sand and gravel reserves in Gwynedd and conforms to regional and local mineral planning policy requirements in accordance with the strategic criteria of Policy PS 22 and development criteria under Policy MWYN 3 of the Gwynedd and Môn Joint Local Development Plan
- There are no sensitive properties located within a notional buffer zone of 100m as prescribed under policy MWYN 5 of the Gwynedd and Môn Joint Local Development Plan. With the imposition of appropriate planning conditions to ensure that the development is ancillary to the winning and working of minerals under ROMP, it is considered that the development, conforms to policy MWYN 3, MWYN 5 & PCYFF 2 of the Gwynedd and Môn Joint Local Development Plan,
- The site will be the subject of a scheme of restoration plan for agricultural use but also nature conservation/amenity use, based upon the findings of a habitat & species surveys undertaken within & around the site. Local Biodiversity conditions will require specific mitigation for reptiles during field boundary removal, no site clearance during the bird breeding season and measures to ascertain the presence of Badgers prior to the commencement of works. Also, restoration to include the reinstatement of stone walling & hedgerow. It is considered therefore that the development complies with National Planning

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Policy guidance as well as Strategic Policy PS 19 and Policy AMG 5, MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan

- It is considered that the proposal will not have a detrimental impact on any features of archaeological importance. Subject to the imposition of planning conditions requiring appropriate archaeological mitigation prior to and during the course of development, the proposal is compliant with the requirements of PS20 and Policy AT4 and MWYN 3 of the Joint Gwynedd & Môn Local Development Plan,
- It is considered that the cumulative impact of the access proposal with the re-activation of the ROMP will not have a long-term detrimental impact on the setting of the National Park, Llyn AONB as well as local Landscape Character Areas and the proposal therefore complies with Policy AMG: 3 & MWYN 3 of the Gwynedd & Môn Joint Local Development Plan
- Subject to a condition requiring the implementation of a surface water management plan and specific measures to prevent the pollution of the local water environment, it is considered that the proposal conforms to Policy PCYFF 2, PCYFF 6 & MWYN 3 of the Gwynedd & Môn Joint Local Development Plan
- The proposal will be likely to have a positive impact on the economy of the area, in accordance with Strategic Policies PS1, PS5 and PS13 of the Gwynedd & Môn Joint Local Development Plan,
- The quarry will have access onto the A487 Trunk Road. In response to consultation, the Welsh Government highway authority confirmed that it did not intend to issue a direction in respect of this application.
- Subject to conditions requiring compliance with the application plans, Gwynedd Transportation Service confirm that the new access is of sufficient standard to deal with the flow of traffic expected from the site and therefore conforms to the requirements of Strategic Policy PS4 and Policy PCYFF 2, TRA 4 and MWYN 3 of the Joint Gwynedd & Môn Local Development Plan.
- The proposal satisfies the sustainability goals of Planning Policy Wales and The Well-being of Future Generations Act (Wales) 2015,

## 7. Recommendation:

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 5 years
- Permitted Operations & Compliance with the Submitted Details/Plans,
- Duration of Working,
- Mitigation for local biodiversity, Badgers,
- Development ancillary to the use of land as a mine,
- Soil Handling & husbandry,
- Drainage, measures to prevent the pollution of local watercourses,
- Scheme of restoration & aftercare submitted prior to commencement for agricultural use and the reinstatement of field boundaries (hedgerow & cloddiau),
- Archaeological mitigation and recording,
- Use of access restricted to 08:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 12:00hrs on Saturdays and not at all on Sundays or Bank Holidays,

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- Details of a wheel wash facility to be submitted for the approval of the mineral planning authority specifying the location, design, specification and controls to ensure correct usage,
- Note to applicant on highway requirements, Badgers Act 1992 & NRW statutory advice to prevent pollution of the local water environment.