

PLANNING COMMITTEE	DATE: 16/04/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

Number: 8

Application Number: C16/1385/05/MW

Date Registered: 31/10/2016

Application Type: Minerals

Community: Llanfrothen

Ward: Penrhyndeudraeth

Proposal: Application under the Environment Act 1995 for the determination of conditions under Periodic Review

Permission Ref: 538, subject to Initial Review Ref. 5/76/198C & Caniatadau Cyf/Permissions Ref: 5/76/198A & C10M/0116/05/MW

Location: Chwarel Garth, Minffordd, Penhryndeudreth, Gwynedd, LL48 6HP

Summary of Recommendation: TO AUTHORISE THE SENIOR MANAGER OF PLANNING, ENVIRONMENT AND PUBLIC PROTECTION SERVICE TO DETERMINE THE SCHEME OF CONDITIONS UNDER DELEGATION

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1. Description:

- 1.1 This is a Mineral Sites Review Application under Section 96 and Schedule 14 to the Environment Act 1995 for the approval of a scheme of working and schedule of planning conditions.**

IT IS NOT AN APPLICATION FOR PLANNING PERMISSION

- 1.2 Garth Quarry is located 700m north of Minffordd, off the A497 (T), 1.6km west of Penrhyndeudraeth and 2.8km east of Porthmadog. At its nearest point, the Snowdonia National Park lies 2km to the north east of the Quarry. The Glaslyn Site of Special Scientific Interest (SSSI) surrounds all but the south eastern quarter of the quarry boundary with the Meirionnydd Oakwoods SAC located along the western boundary and occupying land to the north and south of the site. Garth Quarry has been operating for many years and produces a high specification roadstone with production averaging around 250,000 to 300,000 tonnes per annum. The asphalt plant is an integral and essential part of the quarrying operations at Garth Quarry producing, on average, between 50,000 and 80,000 tonnes per annum of coated roadstone, supplying to contracts within an approximate 50 mile radius.
- 1.3 The Environment Act 1995 requires operators of mineral consents to submit schemes for the Review of Minerals Permissions which differ from planning applications in a number of respects. Periodic reviews apply to all mining sites including those previously subject to the determination of conditions under initial review, which includes sites covered by the Planning and Compensation Act 1991 and the Environment Act 1995. Mineral planning authorities may either approve the scheme of conditions as submitted, or may determine a different scheme of conditions. However, the mineral planning authority must determine the conditions within a specified period. If the submission is not determined within that period (or as varied by agreement), the scheme of conditions is automatically deemed to be approved.
- 1.4 The review proposals included a schedule of conditions that applied the appropriate planning controls for the site. Issues concerning the environmental, amenity, cultural and landscape impacts of the operation have been addressed in this report, including restoration proposals. A revised schedule of 33 conditions has been the subject of further discussion and agreement with the applicant which is appended to this report.
- 1.5 The purpose of a Periodic Review under the Environment Act 1995 is to ensure that conditions do not become outdated and to provide an opportunity to respond to newly introduced standards and requirements, where conditions relating to quarrying operations are the subject of a formal review at intervals of 15 years. It is the responsibility of the mineral operator to submit for the approval of the mineral planning authority a detailed scheme of working and schedule of planning conditions that demonstrates how the development may be implemented in an environmentally acceptable manner, consistent with modern environmental standards and working practices. A new schedule of conditions will apply to the whole site under review, removing any ambiguities between different planning permissions.
- 1.6 The application site boundary relates to the area which was included in the Initial Review of the original IDO Mining Site together with subsequent permissions for ancillary minerals development. The Periodic Review comprises the following minerals permissions identified within the application site:

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- Interim Development Order Planning Permission No. 538, Dated 6th February 1948 - Mining Site subject to the Determination of Conditions under the Planning and Compensation Act 1991, Ref. 5/76/198C, Dated 9th April 1999,
- Planning Permission 5/76/198A Dated 20th August 1993 – Stockyard Area, Quarry Haul Road and Ancillary Plant Area,
- Planning permission C10M/0116/05/MW granted retrospective approval on 28th October 2010 for the erection of a replacement asphalt plant and associated hot bins.

Overview of the Periodic Review Proposals

- 1.7 The quarry development plans propose to exploit all of the workable reserves of Dolerite and Shale to the full lateral limits of the permitted area down to a final base level of -45m bOD (below ordnance datum), in accordance with the development plans which accompanied the Initial Review determination in 1999. The periodic review proposals include a sequence of five distinct quarry development and restoration phases to be reviewed at intervals of 5 years with the development plan for the next 15 years involving the continuation of extraction along the current back-face of the quarry, working the current benches to their final position.
- 1.8 The main processing plant houses a primary crusher and screens located on the ridge of rock overlooking the excavation to the north and main administrative area, storage hopper, asphalt plant, aggregate stocking areas and quarry weighbridge and office complex to the south. A primary crusher initially reduces the size of the quarried rock, with crushed material then transported by enclosed conveyor to a second crushing house. Screened materials can then be transferred directly into dump trucks for stockpiling on site or road haulage wagons for transportation off site by means of a loading chute located directly beneath each storage bin.
- 1.9 The main processing plant and southern ridge would be retained in its current position for the approximate 15-year duration of the periodic review. Thereafter the ridge would be removed in accordance with the phase 3 of operations to exploit the reserve of material and the key element of a second periodic review application will be the re-location of the primary and secondary crushers and screens. The application plan indicate that the main bulk of the asphalt plant, aggregates hopper and administrative offices will be retained for the lifespan of the operations.
- 1.10 The application for the determination of conditions under a Periodic Review falls under the category of development in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, where the submission of an Environmental Statement is a mandatory requirement. The Environmental Statement considers the minerals development in the context of a Landscape and Visual impact assessment, including the impact on the adjacent National Park boundary, local and historic landscape designations but also ecological impacts under the Habitats and Species Regulations 2010 including the assessment of any likely significant impacts on the nearby Meirionydd Oakwoods SAC and qualifying features (lesser horseshoe bat habitat). In addition, the ES discusses Ground and Surface Water impacts, Cultural Heritage, Noise, Air Quality, Blast Vibration, Hours of Operation, Traffic Movements and site restoration as well as the consideration of alternatives within the context of the EIA Regulations in relation to a minerals review application under the Environment Act 1995.

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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 Unitary Development Plan 2001-2016.

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 2011 – 2026

- Strategic Policy PS 1: Welsh Language and Culture
- Strategic Policy PS 5: Sustainable Development
- Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
- Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy
- Strategic Policy PS 19: Conserving and/or Enhancing the Natural Environment
- Strategic Policy PS 22: Minerals

- POLICY AMG 2: Special Landscape Areas
- POLICY AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the Local Landscape Character
- POLICY AMG 5: Local Biodiversity Conservation
- POLICY AMG 6: 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 PCYFF 2: Development Criteria
- POLICY PCYFF 4: Design and Landscaping
- POLICY PCYFF 6: Water Conservation
- POLICY TRA 2: Parking Standards
- 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

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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),
- Habitats and Species Regulations 2010,
- 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) 15: Development and Flood Risk (July 2004),
- 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 Technical Advice Note (Wales) 24: The Historic Environment (May 2017),
- 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 Planning permission ref; 5/76/198C approved on 4th April 1999 under the provisions of the Planning and Compensation Act 1999, for the determination of conditions & scheme of working as per Interim Development Order Permission ‘538’ dated 6th February 1948.
- 3.2 Planning permission 5/76/198A for a stockyard area, quarry haul road and ancillary processing and plant area was granted subject to conditions on 20th August 1993 and covers three areas A, B & C that lie outside, but adjacent to the IDO area.
- 3.3 Planning permission 5/76/198B for the construction of a new access road was granted subject to conditions on 10th September 1992, but never implemented.
- 3.4 Planning permission 5/76/198 for the construction of a materials testing laboratory was granted subject to conditions on 10th September 1990.
- 3.5 A new asphalt plant was deemed permitted on 24th July 1989, under Class B of Part 19 to Schedule 3 of the Town and Country Planning General Development Order 1988, subject to a condition imposed to reduce the injury to the amenity of the neighbourhood restricting the working hours of the plant.
- 3.6 Planning permission C10M/0116/05/MW granted retrospective approval on 28th October 2010 for the erection of a replacement asphalt plant and associated hot bins.
- 3.7 Prior approval of the Mineral Planning Authority dated 10th January 2011 under Part 19, Class B to Schedule 2 of the General Permitted Development Order 1995 for the Proposed Layout of Replacement Offices, Quarry Reception and Stocking Area and

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water attenuation ponds to enable the surface water discharge to be treated in accordance with Environment Agency licence requirements. Revised layout required on account of the proposed by-pass cutting across the current operational area.

4. Consultations:

Llanfrothen Community Council: No Response

Porthmadog Town Council: No Response

Penrhyndeudraeth Community Council: No Objection

Gwynedd Transportation Unit: No objection to the proposal in relation to any impacts on the County highway network.

However, given that the site has direct access onto the A487, consultation with Welsh Government Trunk Road Unit is recommended

Welsh Government Transportation Unit: No Objection

Welsh Government as highway authority for the A487 trunk road does not wish to issue a direction in respect of this application

Network Rail: No Response

Natural Resources Wales: No significant concerns about the continued quarrying operations at the site and are satisfied with the proposed planning conditions. NRW have the following comments on the submission;

- Generally agree with the nature and scale of landscape and visual effects of the development's impact upon the Snowdonia National Park and the Aberglaslyn Registered Historic Landscape as set out in the LVIA, although it is noted that restoration proposals could be improved. The site will still be recognisable as a former quarry given the truncated quarried face of the natural wooded ridgeline along the edge of the floodplain and to the foreground of the dramatic backdrop of the mountains of Snowdonia.
- The quarry has an established effect on the setting of the national park. The central ridge forms a natural skyline and provides a backdrop edge to the A487 bypass and mitigates the local and wider visual impacts of the quarry. Its removal will open up views of the quarry, most prominently from the A487 bypass as well as a selection of other viewpoints. Suggest a phased amenity planting scheme along the grassed frontage with the A487 so that a natural linear tree belt

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to the site may be established by the time the central ridge is removed during Phase 3 of operations.

- Agree with the tree and shrub planting schedule provided in the restoration proposals but request that the inclusion of Ash be reconsidered closer to the time of planting, given its susceptibility to Ash die back disease. Also, a detailed landscape strategy in accordance with the conditions should include a detailed specification of the restoration soils, aftercare regime and replacement of any failed planting.
- Hydrogeological Impact Appraisal & Water Feature Survey submitted with the ROMP proposals. Low permeability and storage capacity of the slates/shale and dolerites and that dewatering will not commence until Phase 3 of operations in 10-15 years' time when the development of the quarry requires excavation below the current level.
- Impact of dewatering limited to the local area and unlikely to expand beyond the site boundary. Satisfied with the assessments and conclusions of the report which details groundwater and surface water monitoring undertaken on a monthly basis. However, mitigation measures for potential derogation of groundwater levels should be submitted prior to the commencement of dewatering in Phase 3 in accordance with the monitoring scheme and/or water management plan to be submitted in accordance with the schedule of conditions.
- Site contained within zone C1 as defined by the development advice maps referred to under TAN15, Development and Flood Risk. Although the application does not include a site specific Flood Consequences Assessment, NRW are satisfied that in this instance, Section 8 of the ES (Hydrology and Hydrogeology), sufficiently addresses the risks posed and demonstrates that the consequences of flooding can be adequately managed. The report has considered the climate change annual exceedance probability for both tidal and fluvial scenarios. However site may be affected by extreme flooding in the future and flood mitigation measures may be considered as part of any future site improvements.
- Updated ecological surveys confirm relatively low numbers of lesser horseshoe bat using the site with the exception of the eastern woodland where greater numbers were recorded. Given the small numbers of bats using the central woodland spine to commute through the site, no further mitigation is recommended although additional planting is proposed at the south eastern corner of the site to compensate for the loss of woodland on the eastern flank of the workings. NRW agree with this strategy and request further input into the detail and how the woodland will link-up with the culvert.

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- Lesser horseshoe bat are protected attributes of the Meirionnydd Oakwoods SAC and the information provided appears to be sufficient for your Authority to carry out a HRA, and NRW are happy to provide further input into this process.
- Agree with the conclusions of the Environmental Statement that further consultation with NRW is required before the implementation of Phase 3 to remove the central spine in order to ascertain the scope of any further ecological surveys that may be required, including bat surveys where trees are to be removed around the site perimeter. Confirm the presence of a badger sett within the south eastern wooded slope of the quarry.
- ES has considered the concerns of NRW with respect to any potential impact on designated protected sites.
- Pollution prevention control measures to be implemented on site in accordance with NRW permitting requirements to ensure that any potential discharge does not impact on watercourses or the local water environment including the adjacent Afon Glaslyn SSSI & SAC. Measures to include, specification & location of settlement lagoons, sufficient containment of fuel tanks & containers together with a spill plan, containment/management of any potential run-off from materials storage and operational areas, adequate drainage from haul roads & location of wheel wash on a hardstanding with run-off connected to a sump. Water to be recycled where possible with settled solids to be removed regularly, any controlled waste to be taken to a licensed facility.

Gwynedd Flood Risk Management:

Several watercourses flow 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,

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 Biodiversity Unit:

- Ecological report has followed the CIEEM guideline 2016 for EcIA,
- 0.54ha of ancient woodland contained within the permitted extraction area,
- Ecological chapter refers to more surveys required to inform phase 3 of operations. Quarry lies adjacent to

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the Meirionnydd Oakwoods and Bat Sites SAC having a range of features of European importance including a population of lesser horseshoe bats as well as habitats such as wet woodland, otters, river vegetation and the Afon Glaslyn SSSI. Although the proposal will not result in any land-take within the SAC, it has the potential to have a significant effect on the lesser horseshoe population due to the loss or obstruction of bat flight-lines as a consequence of the removal of wooded areas during Phase 3 of operations,

- Glaslyn & Bron y Garth SSSI completely surround the quarry and provide an important oak woodland habitat and connectivity for the lesser horseshoe bat population. Recommend a condition for tree planting to strengthen habitat connectivity and wildlife corridor but also compensation for the loss of woodland and barrier for dust particles entering the SSSI & SAC designations. Compensation plan for the loss of woodland habitat to be agreed with the MPA.
- The addendum to the ecological report in the form of bat surveys provides sufficient information to undertake a Habitat Regulations Assessment (HRA) under the Habitats and Species Regulations 2010. The HRA undertaken by Gwynedd Council as competent authority concludes that the wooded ridgeline across the southern extent of the quarry is not a significant lesser horseshoe bat flight or foraging habitat and therefore its removal as part of the development proposals will not have an adverse impact on the conservation features of the Meirionnydd Oak Woods and Bat SAC.
- Records show that Japanese knotweed occurs on the river bank next to the quarry and in a ditch on the eastern boundary of the quarry. Other invasive non-native species occur in or near to the quarry, such as Crassula, buddleia, Himalayan balsam, Canadian pond weed. A plan for the control and eradication of these invasive plant species should be provided and it should include annual monitoring.
- Records show that welsh mudwort occurs along the Glaslyn River on the river bank next to the quarry. Previous developments in the vicinity identified the quarry as a reptile area.
- Lighting plan to be agreed by condition to avoid areas used by foraging and commuting bats especially at the quarry entrance and near the Glaslyn.
- A plan should be submitted and implement to the LPA satisfaction to strengthen lesser horseshoe bat flight lines around the quarry.
- A plan for monitoring habitats areas & species must be agreed with the LPA and implemented.

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- Final restoration should include an increased reed bed area and the margins of the pool should convoluted. It should also create a larger area of woodland.

Dŵr Cymru: No comments, as the application does not connect to the public sewer network

Gwynedd Public Protection Unit:

- Agree with the noise conditions for a day time working 07:00 - 19:00.
- However, the service does not agree with conditions proposed for night time working between the hours of 06:00 - 07: 00 and 19:00 - 20:00. If the development proposes working outside of daytime hours (ie 07:00 - 19:00) the applicant will be required to put measures in place to achieve a noise level of 42dB LAeq that, 1HR as specified in MTAN1.
- Generally satisfied with the mitigation measures imposed in the interests of air quality but require further information on the frequency and coverage of the water bowser in the eastern stockpiling area. Request conditions in relation to the deposition of particulate matter at any surrounding human receptor.

Inspectorate of Quarries: No Response

Scottish Power: No Response

National Grid: No Response

Snowdonia National Park Authority: No Response

Gwynedd Archaeological Planning Service: No Response

CADW: No Objection

- Concur with the conclusions of the Heritage Impact Assessment that planning conditions need to be revised in order to ensure that undesignated heritage assets are protected from the impact of quarrying.
- No need for any additional conditions to protect the setting of designated assets.

Gwynedd Conservation Officer: No Response

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Public Consultation: Site Notices posted at the and at two locations in on 7th November 2016 with a statutory notice appearing in the Caernarfon & Denbigh Herald on the 9th November 2016.

No third party representations received in response to statutory publicity on the application.

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. The key principles of The Welsh Government minerals planning policy are;
- *to provide for an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity;*
 - *to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure, without compromise, restoration and aftercare to provide for appropriate and beneficial after-use;*
 - *to help conserve non-renewable resources for future generations through efficient use, recycling and waste prevention; to protect renewable resources from serious harm or pollution; and to promote the use of appropriate alternative materials;*
 - *to ensure an adequate supply of minerals that are needed at prices that are reasonable; and to safeguard mineral resources for future generations.*
- 5.2 With an application for the determination of conditions under Periodic Review, the principle of quarrying has been established under the existing planning permissions and it should be borne in mind that the review process cannot negate those permissions or restrict working rights without incurring a prohibitive liability for compensation. The only matters which the mineral planning authority can consider are the conditions relating to those permissions and the scheme of working for the next 15 years.
- 5.3 With respect to the consideration of alternatives in accordance with Schedule 4 of the EIA Regulations, the authority needs to consider the context of the application to which the EIA relates, namely a review of minerals permissions under the Environment Act 1995. The purpose of the application is to review the conditions to which the future development of the quarry should be subject to. It is important to distinguish this type of application from an application made under the Town and Country Planning Act 1990 for planning permission as the quarry has extant planning consents that allow the extraction of slate up until 2042. The consideration of alternative sites is therefore not a material consideration, rather the purpose of the EIA for a periodic review is to assist in identifying environmental effects and how mitigation may be applied in a schedule of updated planning conditions to minimise the impact.
- 5.4 In the case of a ROMP Review and Environmental Statement, the consideration of alternatives relate to alternative working, schemes of mitigation and restoration schemes which could be explored as opposed to displacing supply and prospecting for material in new sites or recommencement of long-dormant mineral sites.

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- 5.5 Under the Minerals Review legislation, the Council may apply conditions different from those submitted by the operator. Liability for compensation will arise on an active minerals site if the effect of the restrictive condition is to “... *prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site ...*”. In accordance with planning regulations, conditions must be;
- i. Necessary
 - ii. Relevant to Planning
 - iii. Relevant to the Development
 - iv. Enforceable
 - v. Precise
 - vi. Reasonable in all other respects
- 5.6 Notwithstanding the above, the mineral planning authority would be fully justified in imposing conditions that are different to those submitted by the operator, if those conditions go beyond the scope of the minerals review. The review submission proposes a time limit of 31st December 2056. However, paragraph 5 to Schedule 5 of the Town and Country Planning Act 1990 imposes time limits for older mining permissions for the winning and working of minerals, which states that; “... *the condition in the case of planning permission granted or deemed to have been granted before 22nd February 1982 is that the development must cease not later than the expiration of 60 years beginning with that date*”.
- 5.7 Furthermore, the procedure for reviewing Interim Development Order permissions (permissions granted between 21 July 1943 and 1 July 1948, which includes the greater part of the working at Minffordd) is set out in the Planning and Compensation Act 1991. It states that decisions on applications for the determination of conditions must include a condition that the winning and working of minerals or the depositing of mineral waste must cease not later than 22 February 2042 and this cannot be modified (*Earthline Ltd vs. Secretary of State for Transport, Local Government & the Regions and West Berkshire Council, 2002*).
- 5.8 The end-date specified in the schedule of conditions attached to the initial review determination, Ref. 5/76/198C is the 21st February 2042. It is considered therefore that having due regard to the scope of the periodic review under the provisions of the Environment Act 1995, it is considered that an amendment to condition 1 to include an end-date of 21st February 2042, would not prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site.
- 5.9 Ultimately, mineral deposits can only be worked where they are found in geologically and economically viable quantities and this application sets out the review proposals for the continuation of operations located adjacent to SSSI & SAC environmental designations as well as statutory and non-statutory landscape designations including the Snowdonia National Park, Aberglaslyn Landscape of Outstanding Historic Interest but also, the Glaslyn and Dwyryd Estuary Special Landscape designation in the Gwynedd and Môn Joint Local Development Plan.
- 5.10 As a 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. Gwynedd has a long history of mineral extraction and it remains an important facet of its economic and social make up. Planning Policy Wales recognises in paragraph, 14.7.6; “*aggregates suitable for road surfacing construction and maintenance, where high specification*

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aggregates are required for skid resistance, are of importance to the UK and significant resources occur in Wales”.

- 5.11 The site lies within a region dominated by complexly folded and variably metamorphosed sediments with frequent intrusive and extrusive igneous rocks. Bedrock forming the economic mineral of the site comprises shales of the Cambrian Dol-Cyn-Afon formation which are worked as secondary fill aggregate, with dolerite intrusion parallel with the bedding making up the core of the outcrop that forms the ridge upon which the site is situated. Igneous and metamorphic rock covers an extremely wide range of rock types, but all with similar suitability for use as general purpose hard rock aggregates. The dolerite intrusion at Minffordd is suitable for use as High Specification Aggregate which is defined as material which is suitable for use as skid-resistant road surfacing aggregate in the ‘Travers Morgan’ report for the former Department of the Environment (Thompson, Greig & Shaw, 1993); *“they are characterised by a high Polished Stone Value in combination with a low Aggregate Abrasion Value and tend to command a premium price compared with other types of road aggregate. They are also transported over much greater distances in order to meet specification requirements in areas which have no comparable indigenous resources (which includes most of eastern and southern England)”*.
- 5.12 The North Wales Regional Technical Statement has been the subject of a review and has since been endorsed by all of the local councils in Wales in August 2014 together with having obtained Ministerial approval. The statement has been prepared in accordance with the provisions of Planning Policy (Wales) and Technical Advice Note (Wales) 1: Aggregates (MTAN1), to set 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”*. The main purpose of the Regional Technical Statement is to set out the strategy for the provision of the aggregates in the North Wales region.
- 5.13 A periodic review of operations involving the winning and working of dolerite and shale, tipping of mineral waste and restoration proposals is acceptable in principle. Subject to the consideration of all other material planning considerations, it is considered that the development in principle complies with National and Regional Planning Policy and Guidance as well as the requirements of Policy PS 22 of the Joint Local Development Plan. However, the principal consideration is that the proposal complies with MWYN 3, which requires that proposals conform to a series of criteria including mitigation for the impacts of transport, visual amenity, biodiversity, sites of archaeological and historic interest, public rights of way, the amenities of local residents, restoration proposals and the duration of the permission.

Visual Amenities

- 5.14 The quarry is located on the edge of an elevated, wooded landform which protrudes westwards into the flat floodplain of the Afon Glaslyn estuary. The quarry forms an integral and important part of the historic man-made landscape of the Aberglaslyn Historic Landscape. The future development of the site is generally confined to those areas that are currently disturbed and as such would not give rise to additional adverse effects to the fabric of the historic landscape in which it is set.
- 5.15 The proposals provide a landscape and visual assessment for the 5 phases of development and following final restoration of the site. The assessment has been

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completed in accordance with accepted guidance through desktop study and fieldwork and includes an appraisal of the visual impact of the development on the Snowdonia National Park but also, the Aberglaslyn Registered Historic Landscape Area and Glaslyn & Dywryd Estuary Special Landscape Area in which it is set, and any indirect impacts on the adjoining Ardudwy Registered Historic Landscape Area. It utilises a selection of viewpoints showing the location of the development in the context of the current permitted scheme of extraction and its setting within the wider landscape. The assessment makes an appraisal of the direct and indirect (physical & non-physical) impacts of the development on the surrounding landscape, as well as local receptors with mitigation proposed to minimise these impacts.

- 5.16 The proposals include a comprehensive scheme of working for the remainder of reserves involving the potential environmental effects of the ongoing development at Minffordd Quarry and related elements of the overall development scheme, including a scheme for the restoration of the site. The development of the quarry to the final extraction depths of -45m bOD, will bring about the formation of new faces and benches along the existing northern, eastern and western extents of the quarry followed by the creation of faces and benches to the south. This will include the removal of the central ridge landform as part of a 20 year phased scheme of extraction and restoration but also, the removal of an area of woodland in the south eastern corner of the site. The ridge separates the quarry void from the ancillary processing area and site offices where structures associated with the processing plant are situated. Its removal will reduce current visual effects caused by these prominent large scale features of the site works, particularly when viewed from the south, and will be replaced with mobile plant which is likely to be located to the north within the quarry void. The existing site offices, stocks, wheel wash, weighbridge and parking will remain at its existing location, at the site entrance during phases 1 to 4, and subsequently removed and restored as part of the restoration works.
- 5.17 The Quarry is generally well screened and enclosed to viewpoints from the east, north east, north and north west and it is considered that limited landscape effects will be experienced from the Snowdonia National Park, during the operational period of the quarry. The southern aspect of the site is more exposed as it is situated at the edge of a shallow 'valley' between elevated landforms to the north and the south. This in combination with the proximity of the quarry faces, quarry offices, the disturbed central ridge and large structures associated with the processing plant to the southern boundary, allows relatively open views from the south/south west-east of the elevated northern quarry faces.
- 5.18 The progressive site restoration works will create a combination of naturally regenerating faces that would become naturalistic in appearance over a period of time together with scree slopes, species-rich grassland and woodland. The main quarry void will be allowed to fill with water once quarrying is complete to create an area of open water surrounded by a combination of habitat types including reed beds and wetland margins, to provide an after use that will be beneficial to nature conservation. Native woodland as part of the final restoration scheme at the southern, south western, and south eastern boundaries will help provide a visual barrier to views of the site but also, a wildlife corridor, linking woodland SSSI in the east and woodland SSSI/SAC in the west/south. Natural re-colonisation on elevated benches will soften the appearance of the exposed quarry faces, particularly as viewed from the south and south west but also, exposure to the elements will bring about gradual weathering of the exposed rock faces.
- 5.19 The Landscape and Visual Impact Assessment concludes that the development will give rise to a limited degree of visual effects to surrounding receptors. The main adverse

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visual effects have been assessed as being associated with those located to the south, within close proximity to the site, and to the west at greater distances up to 2.5km. Views of the site from the west and south west and include the edge of Porthmadog and are generally wide and expansive, large in scale and panoramic. From such locations, the site only comprises a small proportion of the wider scenic view. In addition, views of the site are in context to other existing rocky outcrops, which are also present in middle distance views of the foothills, which also range in scale and extent.

- 5.20 Landscape impacts of the development would generally be associated with the removal of the central ridge and corresponding loss of vegetation cover which would result in greater visibility of the northern quarry faces. The majority of adverse effects arising to the west and south would be associated with the proposed operational works and would therefore be short to medium term in duration, with mitigation provided in the longer term through native planting on the upper benches of the northern quarry faces, as well as extensive woodland planting at the southern, south western and south eastern boundaries of the site.
- 5.21 In response to consultation, Natural Resources Wales generally agree with the nature and scale of landscape and visual effects of the development's impact upon the Snowdonia National Park and the Aberglaslyn Registered Historic Landscape as set out in the LVIA. The site will still be recognisable as a former quarry given the truncated quarried face of the natural wooded ridgeline along the edge of the floodplain and to the foreground of the dramatic backdrop of the mountains of Snowdonia.
- 5.22 Subject to conditions to secure the implementation of a phased and final scheme of restoration in accordance with the submitted scheme of works, it is considered that the development will not have an adverse impact on local or national landscape designations. The potential visual & landscape impacts of the development may be mitigated and controlled and the review proposals therefore comply with the requirements of Policy PS 22, AMG 2, AMG 3, AMG 5, PCYFF 4, MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan.

General and Residential Amenities

- 5.23 The authority has consulted with both the Natural Resources Wales and Gwynedd Council Public Protection Department on the application and whilst there are issues that require additional permits and consents under their specific remit, that they raise no objection in principle. There have been no objections raised by residents in the immediate vicinity of the site in response to statutory publicity on this application.

Working Hours

- 5.24 The nearest dwellings to the site are situated some 220 metres directly south at Syenite Terrace and the farm and outbuildings at Plas-newydd some 158 metres east. The working hours associated with the winning and working of minerals and associated processing operations (crushing and screening) are well established on this site and are summarised as follows:
- 06.00hrs to 20.00hrs Monday to Friday & 06.00hrs to 17.00hrs on Saturdays,
 - Crushing and screening operations on a Sunday between the times of 06.00hrs and 13.00hrs, subject to a maximum of fifteen Sundays per year and at least five days written notice which shall be submitted beforehand to the Mineral Planning Authority,
 - Blasting operations between 09.00 to 16.00 hours Monday to Friday and no blasting operations on Sundays or Bank holidays,

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The asphalt plant includes slightly extended working hours of;

- 5.30 to 20.00 hours Monday to Saturday
- 7.30 to 16.30 hours on a maximum of 15 Sundays per year

5.25 This Application does not seek to vary these hours and it is considered that the terms of existing conditions are sufficient to protect the amenity of local residents living close to the site. The review process may also impose conditions for the control of noise, dust & blast vibration which are assessed below but it should be stressed that a limitation on working hours or permitted development afforded for this site under the General Permitted Development Order, would constitute a restriction in working rights.

Noise

5.26 The application confirms that the existing noise climate has been assessed at neighbouring properties and predictions of maximum future noise levels have been undertaken in line with relevant British Standards and Welsh Government Guidance. Whereas the previous determination of conditions under initial review imposed a single noise level of '53db LAeq 1 hour' between 06.00hrs and 20.00hrs, the Environmental Assessment takes account of specific daytime (07.00hrs – 19.00hrs) and night time (19.00hrs – 07.00hrs) levels imposed in accordance with the requirements of MTAN 1: Aggregates.

5.27 Baseline noise monitoring data has taken account of the prevailing noise climate including the most significant change in circumstances of traffic using the A497 Porthmadog and Minffordd Bypass. In respect of daytime operations, it is considered that an increase to 54-55db LAeq 1 hour levels is reflective of the measured background levels taken at the nearest noise sensitive properties and which accords with the relevant guidance in MTAN1 where noise limits do not exceed the background level by no more than 10db(A).

5.28 However, with respect to the MTAN 1 guidance for 'night-time' noise levels for operations undertaken between 06.00hrs-07.00hrs and 19.00hrs-20.00hrs, the noise assessment has shown that the predicted levels are above the night-time limit of 42dB LAeq,1hr for the majority of receptors during the morning and a number of receptors in the evening, namely Plas-newydd, Syenite Terrace and Rose Cottage. The application states that, within the context of existing noise levels due to traffic on the A487 during this period, noise from the quarry is unlikely to be significant and considers therefore that the daytime noise limits should be applied to the 06.00hrs-07.00hrs and 19.00hrs-20.00hrs working period.

5.29 In response to consultation, Gwynedd Public Protection commented that, whilst they agree with the proposed conditions for daytime working between 07.00hrs and 19.00hrs, the service does not agree with conditions proposed for night time working between the hours of 06:00-07:00 and 19:00-20:00. If the development proposes working outside of daytime hours, the applicant will be required to put measures in place to achieve a noise level of 42dB LAeq that, 1HR as specified in MTAN1. Whilst clearly a departure from the MTAN1 guidance, the review proposals mitigate for a reduction in night time levels between 19.00-20.00hrs to the levels currently imposed under the initial review. The measurement of noise levels will also include noise derived from the asphalt plant which was not previously subject to control under planning condition.

5.30 The operator will be required to submit a noise monitoring scheme to secure compliance with the levels specified under conditions and in accordance with specific

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procedures. The conditions specify that unless otherwise agreed in writing, monitoring shall be carried out at twelve monthly intervals.

Blast Vibration

- 5.31 Blasting can have two types of perceived effects. The first is ground vibration, which is caused by the spreading of seismic waves which spread radially from the vibration source, decaying rapidly as distance increases. The second is airborne vibration caused by the generation of transient airborne pressure waves. These pressure waves will comprise of energy over a wide frequency range. Energy above 20Hz is perceptible to the human ear as sound, whilst that below 20Hz is inaudible, but can be sensed in the form of concussion. The sound and concussion together is known as air overpressure, which is measured in terms of decibels.
- 5.32 Unlike audible pressure waves, the lower, inaudible frequencies are much less attenuated by distance, buildings and natural barriers. Consequently, air overpressure effects at these frequencies can be significant over greater distances, and predictions can be made less certain by the fact that air over pressure levels may be significantly influenced by atmospheric conditions. Hence, the most effective method of control is its minimisation at source including correct blast design, corrects charging and stemming and monitoring of blast events and re-optimising the blast design in light of the results.
- 5.33 The quarry is worked by drilling a row, or rows, of boreholes (often referred to as shot holes) into the bench above the working face. Predetermined quantities of explosive are placed into each hole and the explosives are fired sequentially using millisecond delay detonators to reduce noise and ground vibration caused by the explosion in accordance with good environmental practice.
- 5.34 Minerals Technical Advice Note 1: Aggregates (MTAN1) sets out detailed advice on suitable planning conditions to control the environmental impact of blasting operations at quarries. This includes controls on the days and times of blasts and restrictions on ground vibration where MTAN1 suggests that ground vibration as a result of blasting operations should not exceed a peak particle velocity of 6 mm/s PPV in 95% of all blasts measured over any 6 month period, and no individual blast should exceed a peak particle velocity of 10 mm/s PPV.
- 5.35 The schedule of planning conditions include limits on the hours of blasting between 09.00hrs – 16.00hrs Monday to Friday with no blasting to take place on Sundays or bank holidays but also the requirement for blast monitoring to secure compliance with the ground vibration levels in MTAN1.

Air Quality

- 5.36 The air quality assessment deals with the potential issues arising from mineral extraction and processing but also, the likelihood of fugitive dust generated on haul routes and metalled surfaces within the quarry. Potential sources of dust have been identified and best practice dust control measures are recommended as currently required under planning conditions in order to minimise any such disturbance at nearby sensitive locations. Local climatic conditions have been assessed in order to indicate how often the proposal could be susceptible to fugitive dust events and a full PM10 & PM2.5 assessment undertaken at Minffordd Quarry shows that the risk of effect on human health is considered to be ‘not significant’.

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- 5.37 The advice on applications to review planning conditions, set out in Minerals Planning Guidance Note 14 (MPG14) is that ‘planning conditions should not seek to control matters that are the proper concern of other statutory agencies..... this is particularly relevant in the field of pollution control. Care should be taken therefore to avoid conditions on matters which the relevant pollution control authority can be satisfactorily regulated under their own separate powers.
- 5.38 The asphalt plant and the associated hot storage bins are manufactured by FMA Ullrich. The stack has been designed to maximise the efficiency of emission controls at the plant and has resulted in significant improvements in the levels of emissions produced at the plant. Emissions from the Asphalt Plant are currently regulated and controlled by Gwynedd County Council under an Environmental Permit and the applicant undertakes half yearly dust/emissions monitoring of the Asphalt Plant to confirm compliance.
- 5.39 Given the scale of the existing minerals operation, instances of complaint are comparatively rare. The Environmental Statement and supporting information demonstrate that the quarry can operate, under the terms of planning conditions and/or environmental permits, without causing adverse impact to the amenities of residential properties, including those located within a 200m buffer as prescribed by Planning Policy Wales and the national minerals planning guidance MTAN1. With the imposition of similar planning conditions for the previous development for the control of noise, dust and blast vibration, it is considered that the development, alone or in combination with the area of the previous permission for an inert waste facility, conforms to policy PCYFF 2 & MWYN 3 of the Gwynedd and Môn Joint Local Development Plan. All potential dust impacts from the proposed development are considered to be reversible i.e. the risk of impact will cease on completion of the extraction and restoration activities at the site, with no significant impacts on local air quality on the completion of the development.

Traffic and Access Matters

- 5.40 There have been significant changes in circumstances since the opening of the A487 Porthmadog by Pass in October 2011. Given that the route of the bypass cut through the southern boundary of the Quarry’s reception and stocking area, a new direct access to the trunk road formed part of the proposals which has been constructed in accordance with exacting highway standards together with extensive visibility splays. Whereas previously, lorries travelling from the Quarry and asphalt plant crossed the level crossing over the Cambrian Railway to the private Quarry access road linking with the settlement of Minffordd, the new A487 trunk road provides direct access onto the primary highway network and addresses the amenity issues associated with heavy haulage.
- 5.41 The implementation of the bypass project allowed for improvements to the site infrastructure which now include a detailed internal traffic movement system and bilingual signage which directs incoming traffic to the desired areas of the quarry for loading etc., all loaded HGVs leaving the site follow an internal route via a weighbridge and wheel wash before turning onto the A487.
- 5.42 There is no restriction on quarry output and the improvements to the site access and highway network is sufficient to accommodate a continuation of traffic flows from the quarry. It is considered therefore that the existing road network is of sufficient standard to deal with the flow of traffic expected from the site and the development therefore conforms to the requirements of Policy TRA 4 (managing transport impacts) and Policy

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TRA 2 (Parking Standards) & PS 1 (Welsh Language and Culture) of the Gwynedd and Môn Joint Local Development Plan.

Hydrology & Hydrogeology

- 5.43 The quarry is located entirely within the reach of the Glaslyn catchment with the principal surface watercourse being the Afon Glaslyn which runs alongside the western site boundary of the site. The site is contained within a C1 flood risk zone as defined by the development advice maps referred to under TAN15, (*Development and Flood Risk*), where mineral extraction is defined in the guidance as being less vulnerable to the risks of flooding.
- 5.44 Although the application does not include a site specific Flood Consequences Assessment, NRW are satisfied that in this instance, Section 8 of the ES (Hydrology and Hydrogeology), sufficiently addresses the risks posed and demonstrates that the consequences of flooding can be adequately managed. The report has considered the climate change annual exceedance probability for both tidal and fluvial scenarios. The Environmental Statement confirms that, other than minor and temporary flooding of sections of the quarry floor following heavy rainfall, there are no reported incidents of fluvial or tidal related flooding during the long history of quarrying at the site. However site may be affected by extreme flooding in the future and flood mitigation measures may be considered as part of any future site improvements.
- 5.45 A Hydrogeological Impact Appraisal & Water Feature Survey have been submitted in support of the ROMP proposals. Given the low permeability and storage capacity of the slates/shale and dolerites, dewatering will not commence until Phase 3 of operations in 10-15 years' time when the development of the quarry requires excavation below the current level of 2.5m aOD. The impact of dewatering limited to the local area and unlikely to expand beyond the site boundary. NRW are satisfied with the assessments and conclusions of the report which details groundwater and surface water monitoring undertaken on a monthly basis. However, mitigation measures for potential derogation of groundwater levels should be submitted prior to the commencement of dewatering in Phase 3 in accordance with the monitoring scheme and/or water management plan to be submitted in accordance with the schedule of conditions.
- 5.46 The quarry is currently free-draining, being elevated above surrounding water-courses, facilitating gravity discharge of accumulating run-off and any groundwater ingress that occurs. This situation will continue through to completion of Phase 2, at which time workings will have expanded, but not deepened. Rainfall incident upon the quarry void is temporarily accommodated within the relatively permeable 1m to 1.5m thick mantle of fill materials covering the quarry floor. Drainage from the quarry floor is made under gravity to a central spine ditch, which is cut down to bedrock and conveys surface drainage to the Western Soakaway. Water from the Western Soakaway ultimately drains by near surface groundwater flow to the superficial deposits of Traeth Mawr. Due to the extremely low permeability of the bedrock, the volume of groundwater inflow within drainage made to the Western Soakaway is considered to be insignificant and therefore the overwhelming majority of discharge comprises of rainfall runoff. Drainage from the area to the south of the quarry void comprising plant, workshop and offices areas comprises rainfall runoff alone, and which is directed via a combination of soakaway and consented off-site discharge to a tributary of the Afon Glaslyn.
- 5.47 The deepening of the quarry void will require minor modifications to the method of existing drainage in this area and contingency provision of settlement facilities. Average rates of groundwater ingress are expected to increase with further quarry

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deepening during Phases 4 and 5. However, the rate of groundwater ingress indicated by calculation, even at the maximum extent of the planned development remains modest, such that the capacity of the Western Soakaway is expected to accommodate the increased rates through to completion of quarrying. Notwithstanding, the performance of the Western Soakaway will be kept under review during progression of the planned development and additional drainage measures or settlement lagoons implemented as necessary. Any additional drainage infrastructure would ensure appropriate quality of off-site discharge, with respect to suspended solids, and facilitate piped discharge directly from the lagoon system to the Afon Glaslyn.

- 5.48 Upon cessation of quarrying, all plant and machinery will be removed, pumping will be terminated and the void will be allowed to flood with incident rainfall to create a lake feature as shown on the restoration concept plan.
- 5.49 Pollution prevention control measures to be implemented on site in accordance with NRW permitting requirements to ensure that any potential discharge does not impact on watercourses or the local water environment including the adjacent Afon Glaslyn SSSI. Measures to include, specification & location of settlement lagoons, sufficient containment of fuel tanks & containers together with a spill plan, containment/management of any potential run-off from materials storage and operational areas, adequate drainage from haul roads & location of wheel wash on a hardstanding with run-off connected to a sump. Water to be recycled where possible with settled solids to be removed regularly, any controlled waste to be taken to a licensed facility.
- 5.50 It is considered therefore that hydrological and groundwater issues and water management have been fully considered in the Environmental Statement given the position of the quarry in proximity to The Glaslyn estuary and Site of Special Scientific Interest. Subject to planning conditions requiring the implementation of a water management plan and hydrogeological monitoring scheme, it is concluded that the Periodic Review submission meets with the requirements of Policies PS 6, PS 19, AMG 5, AMG 6, PCYFF 2, PCYFF 6 & MWYN 3 of the Gwynedd and Môn Joint Local Development Plan.

Ecology and The Meirionnydd Oakwoods and Bat Sites Special Area of Conservation and Site of Special Scientific Interest

- 5.51 The review site is a well-established quarry comprising of significant areas of bare ground and exposed rock as a consequence of the phased extraction of mineral. Non-operational land includes a large area of semi-natural broadleaved woodland to the north and east of the quarry working subject to historic tipping and which has since re-colonized with a natural regeneration of broadleaves.
- 5.52 The majority of the quarry void is therefore largely devoid of vegetation, with the exception of the south-eastern corner and a narrow spine of rock across the southern extent of the quarry and which currently separates the main processing and administrative area from the quarry working to the north. This area supports a narrow band of deciduous woodland and scrub vegetation but also, some of the benches and batter slopes support well established scrub vegetation, much of which is dominated by the non-native butterfly-bush or buddleia.
- 5.53 The area surrounding the quarry is characterized by low-lying coastal marshes, pastures and woodlands associated with the Glaslyn estuary and include the following sites which are designated for their nature conservation importance;

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- Meirionnydd Oakwoods and Bat Sites Special Area of Conservation (SAC) - immediately west and south west of the quarry;
 - Glaslyn Site of Special Scientific Interest (SSSI) - immediately north, west and south west of the quarry, including the non-operational woodland areas; and
 - Ysbyty Bron y Garth SSSI (lesser horseshoe bat maternity roost) - immediately south and south west of the quarry.
- 5.54 Gwynedd Council biodiversity unit confirm that the ecological report submitted in support of the application has followed the appropriate guidelines. The Ecological chapter refers to further surveys being required to inform phase 3 of operations which includes the removal of the spine of rock material and deciduous woodland across the southern extent of the site. As stated above, the quarry lies adjacent to the Meirionnydd Oakwoods and Bat Sites SAC, having a range of features of European importance including a population of lesser horseshoe bats as well as habitats such as wet woodland, otters, river vegetation and the Afon Glaslyn SSSI. Although the proposal will not result in any land-take within the SAC, it has the potential to have a significant effect on the lesser horseshoe population due to the loss or obstruction of bat flight-lines as a consequence of the removal of wooded areas during Phase 3 of operations. Further ecological information has been requested to identify lesser horseshoe bat flight lines as well as providing compensation & ecological connectivity in the landscape.
- 5.55 The addendum to the ecological report provides additional bat surveys and sufficient information for Gwynedd Council to undertake a Habitat Regulations Assessment (HRA) under the Habitats and Species Regulations 2010. In response to consultation, NRW state that the updated ecological surveys confirm relatively low numbers of lesser horseshoe bat using the site with the exception of the eastern woodland where greater numbers were recorded. Given the small numbers of bats using the central woodland spine to commute through the site, no further mitigation is recommended although additional planting is proposed at the south eastern corner of the site to compensate for the loss of woodland on the eastern flank of the workings. NRW agree with this strategy and request further input into the detail and how the woodland will link-up with the culvert at the site entrance.
- 5.56 Therefore, Gwynedd Council as Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) have carried out an Appropriate Assessment under Regulation 61, in order to ascertain beyond reasonable scientific doubt that the review proposals will not adversely affect the integrity of the Meirionnydd Oakwoods SAC. The HRA undertaken by Gwynedd Council as competent authority concludes that the wooded ridgeline across the southern extent of the quarry is not a significant lesser horseshoe bat flight or foraging habitat and therefore its removal as part of the development proposals will not have an adverse impact on the conservation features of the Meirionnydd Oak Woods and Bat SAC. NRW confirm that they agree with the conclusions of the HRA assessment.
- 5.57 Both NRW & Gwynedd Biodiversity section have advised that conditions be imposed on the grant of permission to address the following issues;
- Agree with the conclusions of the Environmental Statement and request that further consultation before the implementation of Phase 3 to remove the central spine in order to ascertain the scope of any further ecological surveys that may be required, including bat surveys where trees are to be removed around the site perimeter. Confirm the presence of a badger sett within the south eastern wooded slope of the quarry.
 - Records show that Japanese knotweed occurs on the river bank next to the quarry and in a ditch on the eastern boundary of the quarry. Other invasive non-native species

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occur in or near to the quarry, such as Crassula, buddleia, Himalayan balsam, Canadian pond weed. A plan for the control and eradication of these invasive plant species should be provided and it should include annual monitoring,

- A plan for monitoring habitats areas & species must be agreed with the LPA and implemented to include the safeguarding of a Pipistrelle bat roost within the quarry or provision of an alternative bat roost,
- Compensation plan for the loss of woodland habitat to be agreed with the MPA to include additional planting on the south eastern corner of the site to compensate for the loss of woodland on the eastern flank of the workings,
- Final restoration should include an increased reed bed area and the margins of the pool should convoluted. It should also create a larger area of woodland,
- Recommend a condition for tree planting to strengthen habitat connectivity and wildlife corridor but also compensation for the loss of woodland and barrier for dust particles entering the SSSI & SAC designations.

5.58 The Periodic review of the quarry workings at Minffordd Quarry (alone or in combination with other plans or projects) is not likely to have a significant impact on the features of the Meirionnydd Oakwoods SAC and will not affect the integrity of the site. It is considered therefore that subject to a scheme of monitoring in accordance with the planning conditions, the development and complies with National Planning Policy guidance as well as Policy PS 19, AMG 5, AMG 6, PCYFF 4, MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan.

Cultural Heritage

5.59 The area is a historically important man-made landscape situated including an ambitious 19th Century land reclamation scheme for the river estuary of Traeth Mawr. The quarry forms part of the Aberglaslyn registered historic landscape, although it is relevant that the construction of the Porthmadog harbour is related to quarrying activity as securing the means by which the Ffestiniog slate quarries could expand. The assessment considers the direct effect that the quarry will have on known cultural heritage assets and also examines the indirect effect on statutorily designated and registered cultural heritage assets beyond the site boundary.

5.60 The assessment considers the evolving nature of the Quarry to also be part of a wider landscape which is inevitably subject to change over time, such that the effect which the Quarry has on the historic landscapes should perhaps not be viewed so much as an impact, but as an accepted process of change. Ultimately, following its restoration, the Quarry will remain as an historic feature within the landscape.

5.61 The assessment has identified five Registered Parks and Gardens, of which one, Portmeirion, and three Conservation Areas lie within 5 km of the site boundary. The assessment of predicted long-term, effects concludes that there will be no detrimental indirect impacts on any heritage assets outside of the quarry boundary during its operational life or any visual impacts on the setting of Scheduled Ancient Monuments, or Listed Buildings.

5.62 The quarry has been substantially developed over several decades with many, non-designated historic features having already been lost to quarrying operations. However, the assessment has identified seven surviving assets considered to be of low value, including the quarry itself, while one may lie outside the site boundary. The assessment has determined that of the seven assets where direct impacts are predicted, in two cases the significance of the impact is considered to be slight and in four cases it will be slight/moderate.

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- 5.63 Of those assets which do survive, all will be removed by quarrying operations under the existing permissions, although mitigation measures are proposed for an appropriate level of recording by condition to ensure their preservation by record. The timing of work in advance of the removal of these assets needs to be carefully considered, as they fall within an area for which extraction is presently planned in the period from 15 years to 30 years in the future.
- 5.64 Subject to a planning condition requiring appropriate archaeological mitigation during the course of development, the proposal is compliant with the requirements of Policy AT 1 (*Registered Historic Landscape*) & AT 4 (*protection of non-designated archaeological sites*) of the Gwynedd and Anglesey Joint Local Development Plan.

Sustainability matters

- 5.65 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.
- 5.66 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. Gwynedd has a long history of mineral extraction and it remains an important facet of its economic and social make up. There are extensive deposits of a variety of materials suitable for exploitation in North Wales, particularly igneous rock, sand & gravel and limestone. The dolerite intrusion at Minffordd is suitable for use as High Specification Aggregate which is defined as material which is suitable for use as skid-resistant road surfacing. The proposal therefore complies with Policy PS 5 & PS 22 of the Gwynedd and Môn Joint Local Development Plan (sustainable development) in that the quarry makes best use of a known reserve of high specification aggregate.

The Economy

- 5.67 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.
- 5.68 Minffordd Quarry is one of the most strategically placed quarries in Gwynedd supplying roadstone and high specification aggregate for the North Wales region and as far afield as Greater Manchester and Merseyside. Furthermore, a local workforce of 16 employees has positive impacts on culture and more specifically, the status of the

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Welsh Language in the region. In addition to employment opportunities for businesses associated with the quarrying activities or companies which provide services for the quarry, several sports clubs and associations in the locality have benefited from the support of the operating company.

- 5.69 In respect high specification aggregates, the RTS review states; *“the proximity principle recognises that certain types of ‘high specification aggregate’ (HSA) serve quite different markets and are therefore required for distribution over much greater distances (Thompson, Greig & Shaw, 1993; Thompson et al., 2005). This applies especially to the skid-resistant aggregates which are essential for road surfacing applications throughout England and Wales”*.
- 5.70 The proposal will therefore be likely to make a positive contribution on the economy of the area in accordance with Strategic Policy PS 1 & PS 13 of the Gwynedd and Môn Joint Local Development Plan as well as the Gwynedd Supplementary Planning Guidance, Planning and the Welsh Language, November 2009.

Response to the public consultation

- 5.71 There have been no concerns or objections raised by third parties in response to consultation this application.

6 Conclusions

- 6.1 The Periodic Review provides an updated assessment of planning conditions for the continuation of quarrying activity that has been implemented at Minffordd Quarry for many years. The purpose of a Periodic Review under the Environment Act 1995 is to ensure that conditions do not become outdated and to provide an opportunity to respond to newly introduced standards and requirements. A schedule of conditions has been the subject of discussion and agreement with the applicant which is appended to this report. In accordance with the planning regulations it is considered that the schedule of conditions are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. Liability for compensation will only arise if the effect of any restrictive condition is to *“ ... prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site ...”*.
- 6.2 The Environmental Statement has considered the minerals development in the context of a Landscape and Visual impact assessment, including the impact on the adjacent National Park boundary, local and historic landscape designations but also ecological impacts under the Habitats and Species Regulations 2010 including the assessment of any likely significant impacts on the nearby Meirionydd Oakwoods SAC and qualifying features (lesser horseshoe bat habitat). In addition, the ES discusses Ground and Surface Water impacts, Cultural Heritage, Noise, Air Quality, Blast Vibration, Hours of Operation, Traffic Movements and site restoration as well as the consideration of alternatives within the context of the EIA Regulations in relation to a minerals review application under the Environment Act 1995. In the case of a ROMP Review and Environmental Statement, the consideration of alternatives relate to alternative working, schemes of mitigation and restoration schemes which could be explored as opposed to displacing supply and prospecting for material in new sites or recommencement of long-dormant mineral sites.
- 6.3 The operation makes a significant contribution to the local economy with 16 full time employees (Strategic Policy PS 13). The dolerite intrusion at Minffordd is suitable for

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use as High Specification Aggregate which is defined as material which is suitable for use as skid-resistant road surfacing aggregate. Planning Policy Wales recognises in paragraph, 14.7.6; *“aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK and significant resources occur in Wales”*.

- 6.4 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, Environment and Public Protection Services to determine the scheme of conditions under delegation.

- Duration of working & associated activities, 21 February 2042, restoration completed by 2044
- All plant & machinery to be removed upon cessation of operations
- Permitted Operations & Compliance with the Submitted Details/Plans,
- 5-yearly Review of operations & scheme of progressive restoration,
- Hours of Working,
- Scheme of groundwater monitoring within 12 months of determination, to be implemented prior to the commencement of Phase 3 of operations,
- Water management plan for the quarry within 12 months of determination,
- Storage of oils, fuels & lubricants on impervious bases & enclosures,
- Scheme for the protection measures for adjacent habitats within 12 months of determination,
- Invasive species survey & monitoring,
- Updated habitat and protected species surveys 12 months prior to the commencement of extraction in Phase 3 of operations,
- Restriction on vegetation clearance between March & July unless it can be proven in writing that the work will not disturb nesting birds,
- Control of daytime & night-time noise limitations & temporary works & noise limits not to exceed 67dB LAeq for 8 weeks in any 12 month period,
- Noise monitoring,
- White noise reversing alarms & appropriate sound deadening screens fitted to plant machinery,
- Blast limitations & requirement for blast vibration monitoring,
- Control of fugitive dust in accordance with the details of the application together with a log of complaints made available for inspection,
- Sheeting of vehicles & use of wheel wash,
- Archaeological recording & mitigation,
- Progressive restoration & aftercare in accordance with the approved plans and final scheme to be submitted for approval prior to implementation,
- Restoration scheme for the plant site by 31 December 2030,
- Soils & restoration media storage.