

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

Number: 3

Application Number: C18/0125/17/MW

Date Registered: 21/02/2018

Application Type: Minerals

Community: Llandwrog

Ward: Talysarn

Proposal: Removal and processing of existing mineral working deposits for the production of slate aggregates.

Location: Chwarel Moel Tryfan & Alexandra Quarry, Rhosgadfan, Caernarfon, Gwynedd, LL54 7RF

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Moel Tryfan and Alexandra Quarry is a slate working dating back to the early 19th century. It is located in an elevated site set against a wider background of existing old slate quarry workings and heathland and is visible from the higher, more mountainous terrain of the Snowdonia National Park to the east and the Arfon coastline to the west. The site is located on common land adjacent to a Public Right of Way, and contained within a Special Landscape Area in the adopted LDP and within CCW's register of Nantlle historic landscape. The site is located approximately 1100m south of the village of Rhosgadfan and 900m north of Y Fron.
- 1.2 The site was operational under the provisions of the extant, 1951 permission producing roofing slates and rock products until financial implications brought about its closure in 1973. The site was included in the statutory list of old mineral working sites and classified as "dormant" under the provisions of the Environment Act 1995. The determination of conditions under a ROMP application in 2007 re-activated the mineral workings and the operation has established itself in the mineral products market, producing slate aggregate and decorative material for local projects as well as for markets further afield.
- 1.3 Moel Tryfan and Alexandra Quarries is underlain by slate deposits of Cambrian Age. In general terms, the Cambrian Slate Belt is widely renowned for the high quality slate it has produced. The quarry contains a range of lithologies and structures that reflect the essential features of the Slate Belt. The slate varies in colour, grain size and structure with material taken from different zones within the quarry having been used for the manufacture of quarry products.
- 1.4 This proposal seeks to provide additional resources to satisfy demand for a sought-after mineral by including several slate waste tips currently not covered by the existing ROMP determination to extract material from primary resources. For the most part, the proposal involves the removal of the inner parts of the slate tips overlooking the existing marshalling yard and shooting range in such a manner as to retain the external tip faces. The intention is to remove slate waste in 4 phases as shown on the Indicative Operational Layout and Phasing Plan, which includes an area for processing and 3 separate stockpiling areas but also, the re-alignment of the haul road across the phase 1 of workings, which will replace the existing haul road once the phase 3 of workings are completed and restored. This phase will also include the restoration of the current stocking area as permitted under planning permission C15/0571/17/MW.
- 1.5 The planning statement outlines a strategy for restoration that is sympathetically designed to ensure that the final landform is assimilated into the local landscape, enhancing the view from within and from outside the National Park whilst maintaining historical and cultural heritage. Restoration of the site includes proposals to regenerate wildlife following removal of material from the tips, populating the area with species already indigenous on the boundary of the workings, thereby replicating the heathland setting.
- 1.6 In addition, a methodology for the restoration of tips prepared by Gritten Ecology in June 2018 has been submitted in support of the application. The scheme outlines a detailed itinerary of measures to restore the tip faces to a heather/grassland mosaic including the stripping and direct placement of substrate recovered from the phase 4 of

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operations in preference to placing the material in storage. Where storage is required, the substrate will be stripped as far as possible during the early spring so as to allow a full season's growth to follow but essentially, the health of the substrate will be maintained and monitored in the interests of conserving a valuable seed bank. The document also provides a strategy for the aftercare of restored areas which includes a seed mix for bare ground surfaces should the rate of colonisation and succession prove to be unsuccessful.

- 1.7 The restoration concept therefore seeks to maintain the character of the surrounding historic landscape and not introduce elements that would be incongruous to the setting and in this respect the findings of the ecological report recognise the biodiversity importance of the surrounding quarry and waste tips. The preferred strategy is to allow the area to re-colonise naturally as a first option and monitoring progress of such re-colonisation to ensure a successful restoration. From an ecological perspective, removal of the tips and subsequent restoration to heathland would provide better habitats for species, such as reptiles for instance, and an increase in heathland habitat is considered more favourable when seen in the wider context of the surrounding Gwyrfaï Common. Materials already found within the quarry and tip bases, such as fines, stone fragments and soils will be combined to produce a growing medium that will encourage colonisation by native species.
- 1.8 Given the nature of this proposal, which targets removal of material tips laid on peaty soils, it is considered that sufficient growing medium will be available post-removal to enable a relatively rapid colonisation of the tip bases. Any areas that are slow to re-colonise, will be given attention in the form of the introduction of native seed to allow a prompt restoration. Should intervention be required to assist slowly-developing or failed vegetation growth, soil coverage would be targeted to specific areas and the creation of "islands of vegetation". A five year aftercare period would apply to the restoration scheme, during which time any areas that failed to re-generate naturally would be targeted for remedial works along the lines of that suggested above.
- 1.9 The application does not fall within the description and development criteria set out in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in so far as the area of the development falls below the mandatory threshold of 25ha. However, the development falls within the description of development set out in Paragraph 2 to Schedule 2 of the EIA Regulations, '*Extractive Industry, Quarries, open-cast mining and peat extraction*', and it is considered that the applicable threshold of '*all development ...*' is sufficient to include the proposal. Also, Paragraph 13 to Schedule 2, '*any change to or extension of development of a development listed in Schedule 1 or Schedule 2*', and that part of the development clips the boundaries of the Moel Tryfan Geological and Geomorphological SSSI. The authority's screening opinion ref. C17/0949/17/SC, dated 12th October 2017 considered the interaction of all relevant material environmental considerations and concluded that given the scale and impact of the development proposals, an environmental impact assessment was not required.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

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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 13: Providing Opportunity for a Flourishing Economy
Strategic Policy PS 22: Minerals

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

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 5: Protecting Sites of Regional or Local Importance

POLICY PCYFF 2: Development Criteria

POLICY PCYFF 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

2.4 **Gwynedd Supplementary Planning Guidance,**

- Gwynedd Design Guidance 2004
- Landscape Character – November 2009

2.5 **National Policies:**

- Well-being of Future Generations Act (Wales) 2015 – Welsh Government,
- Policies, guidance and general principles set out in the Welsh Government Planning Policy Wales, Edition 9 (November 2016),
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 5: Nature Conservation and Planning (2009),
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 11: Noise
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 18: Transport
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 23: Economic Development
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 24: The Historic Environment
- Policies, guidance and general principles set out in the Welsh Assembly Government Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004),

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3. Relevant Planning History:

- 3.1 **2259** - Proposed continuation of workings at Moeltryfan and Alexandra Quarries, Cesarea – Approved 11th December 1951.
- 3.2 **3/17/126** – Use of land at Crown Quarry, Carmel for target shooting and for the construction of a National Rifle Association Approved Range – Granted subject to conditions on 9th January 1978.
- 3.3 **3/17/R126A** – Renewal of planning permission in respect of use of land for target shooting at Moeltryfan Quarry – Granted subject to conditions on 14th March 1984.
- 3.4 **3/17/126B** – Construction of a pistol firing range to be used in conjunction with existing rifle range – Refused planning permission by Arfon Borough Council on 13th September 1992 but subsequently Granted on appeal subject to conditions by the Planning Inspectorate on 30th December 1992.
- 3.5 **Alexandra Bach Slate Waste Tip** – Notification received 22 November 2004 for the removal of approximately 60,000 tonnes of material from the mineral-working deposit. Deemed planning permission under Part 23 (b) of the General Permitted Development Order 1995.
- 3.6 **Crown New Slate Tip** – Notification received 19 May 2004 for the removal of approximately 13,000 tonnes of material from the mineral-working deposit. Deemed planning permission under Part 23 (b) of the General Permitted Development Order 1995.
- 3.7 **C07A/0325/17/MW**, Determination of conditions for a Dormant Phase 1 Mineral Site under Schedule 13, Paragraph 9 to the Environment Act 1995, was registered with the authority on 1st May 2007. Gwynedd Council as Mineral Planning Authority determined on the 8th October 2007 that the winning and working of minerals and associated operations at Moeltryfan and Alexandra Quarry, as permitted by planning permission No.2259 dated 11th December 1951, be subject to a schedule of conditions as amended.
- 3.8 **C09A/0207/17/MW**, granted subject to conditions on 20th April 2009 – Erection of a secure compound, structures, containers, sedimentation tanks and the installation of machinery for the manufacture of architectural slate and slate craftwork products. Facilities are required for the cutting of slate blocks extracted from the quarry in the preparation and manufacture of architectural slate products and craftwork and it is essential that a secure compound and workshop is established in the interests of the viability of the minerals operation.
- 3.9 **C13/1296/17/LL** – Granted subject to conditions on 19th March 2014 – Alterations to existing highway access and access track improvements together with the formation of a temporary area for the storage of processed mineral.
- 3.10 **C14/0471/17/MW** – Granted subject to conditions on 5th November 2014 – Variation of condition 6 attached to the ROMP determination C07A/0325/17/MW to allow an increase in quarry output from 10,000 to 20,000 tonnes per annum subject to a maximum of four loads per day.
- 3.11 **C15/0571/17/MW** – Granted subject to conditions on 1st September 2015 – Part-retrospective application for the retention of a quarry stocking area, reconstruction of

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a building to provide administrative and welfare accommodation, siting of a weighbridge & removal of a slate tip in order to re-align the quarry haul route.

3.12 **C16/0063/17/MW** – Granted subject to conditions on 17th March 2016 - Variation of condition 6 attached to the ROMP determination C14/0471/17/MW to allow an increase in quarry output, subject to a maximum of four loads per day.

3.13 **C17/0902/17/MW** – Granted subject to conditions on 6th December 2017 – Retrospective application for the retention of a stocking area for the storage of processed mineral products and restoration soils.

4. Consultations:

Llandwrog Community Council: No objection, but Gwynedd Council should ensure that all conditions on the planning consent are adhered to.

Llanwnda Community Council: No Response

Snowdonia National Park Authority: No Response

Public Protection:

- Do not consider that the applicant has fully considered the impact of the crushing activities on the noise sensitive properties. The applicant should revise the plan to either increase the separation distance between the residential properties or employ additional means of housing or the provision of barriers as necessary to reduce the noise level,
- Do not concur with the findings of the AB Acoustics Report dated Feb 2018. The area for crushing and screening is close to residential properties and although the orientation of the plant can affect the directionality of the noise source it should not be the main method of noise control,
- According to the requirements of MTAN1, noise limits should relate to the background noise levels, where background levels are less than 45dB(A) noise levels should be defined as background noise levels plus 10dB(A). There is ambiguity in relation to the Table on page 11 of the Noise Assessment Report which relates to the Crushing Output to Residential - 15 dB(A), may I suggest that the applicant asks the author to explain the calculated Resultant Noise Level – Quarry Operation,
- The site currently operates without giving rise to noise complaints and should the proposal be approved, it should be subject to the following conditions being included in any approval;
 - The noise attributable to the working operations at any nearby noise sensitive properties should not exceed the

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following between the hours of 0800-1800 Mondays to Saturdays;

- The Noise Rating Level shall not exceed the background noise levels +10 dB(A) (1 hour), where background noise levels are less than 45 dB(A). The Background Noise Level shall be as measured and reported in the Acoustic report. Background Noise at Tan y Fawr and Tan Foel Bach is 29.3dB(A),
- The Applicant shall undertake noise monitoring to ensure that the above conditions are being adhered too. Monitoring shall be undertaken and reported to the Planning Authority within 12 weeks of commencement of any approval granted and shall continue thereafter on a 6 monthly basis,
- On request of the Planning Authority air quality monitoring shall be undertaken to adhere to the following conditions,
 - The levels of PM10's shall not exceed 50µg/m-3 as a daily mean with no more than 35 exceedences per year, and 40µg/m-3 measured as an annual mean, when measured outside sensitive properties/dwellings nearby.
 - The levels of PM2.5 shall not exceed 25µg/m3 as an annual mean, when measured at the nearest sensitive human health receptor.

Response to re-consultation:

No Response

Gwynedd Highways & Transportation Unit:	No objection in that the proposal is unlikely to impact on the adopted local road network but recommend consultation with the Public Rights of Way Unit for further advice on the impact of the proposal on Public Footpath No. 46 in the Community of Llandwrog.
Welsh Government Highways & Transportation Unit:	Welsh Government as highway authority for the A487 trunk road does not issue a direction in respect of this application.
Gwynedd Public Rights of Way Unit:	The development abuts Public Footpath No. 46 in the Community of Llandwrog which shall be protected and public access maintained during and after the development.
Gwynedd Archaeological Planning Service:	No Response

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Gwynedd Land No Response
Drainage and Coastal
Protection

Uwchgwyrfai Grazers No Response
Association:

Mines & Quarries No Response
Inspectorate:

Crown Mineral Agent: Crown Estate still own property between Y Fron and Moel Tryfan/Alexandra quarry and it remains that there is no arrangement for access over Crown Estate land.

Gwynedd Economic No Response
Development &
Communities:

Natural Resources No Objection
Wales:

- Confirmation required whether the proposal includes for any processing of material or disposal of fines within the Moel Tryfan SSSI,
- Additional information required to assess the impacts of the proposal upon the tranquillity of the National Park and walkers visiting Mynydd Mawr. Confirm how any significant impacts upon rural ambient sound levels would be mitigated,
- Submission of a restoration management plan under planning condition to address the restoration strategy in the application to include the nature and timing of restoration by means of a phasing plan to indicate the sequence of operations,
- Pollution prevention plan to be submitted prior to the commencement of development to show how all potential sources of pollution (with particular regard to suspended solids) will be controlled on site,
- Not considered that the proposal will impact on bats but require that the precautionary measures detailed in section 5.6.2 of the ecological impact assessment be implemented within the development (protection measures for the addit located adjacent to the existing haul route,
- Application area is shown to be within zone A as per the Development Advice maps accompanying TAN15: Development and Flood Risk. Zone A is considered to be little or no risk of fluvial or tidal/coastal flooding. Note that no flood mitigation measures are proposed and we would therefore

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suggest that the Lead Local Flood Authority as above may be best placed to advise on surface water/pluvial/historical flooding associated with the site/proposal.

Response to re-consultation:

No objection & recommended conditions.

- Satisfied with the revised layout plan that demonstrates that no slate waste will be removed from within the SSSI. Development should be carried out in accordance with the submitted plan.
- Inclusion of mitigation measures within the Pollution Prevention Plan are satisfactory but have requested a condition to amend the wording within the Noise Management Table.
- Confirmed that the Restoration of Tips Report (Gritten Ecology, June 2018) is satisfactory.
- Recommends that the Pollution Prevention Plan is amended via condition to include weekly visual inspection of the off-site watercourses to ensure there is no contamination.

Gwynedd Council
Biodiversity Unit:

Objection

- Habitats surrounding Moel Tryfan quarry and disused slate tips are of high biodiversity value supporting semi-improved neutral grassland, dry heath/acid grassland mosaic, wet heath/acid grassland mosaic as well as many species associated with heathlands,
- South of Moel Tryfan Wildlife Site ref. 1050 containing dry heath and blanket bog listed under Annex 1 of the EU Habitats 1992,
- Ecological Impact is acceptable, although the maps are of poor quality, and it has failed to mention that the quarries and tip are a Wildlife Site nor that the quarry supports habitats that can be classed as the section 7 habitat open mosaic habitat of previously developed land,
- The report states that a Chough nest is located in one of the quarry voids, but appears not to be disturbed by the quarrying works. Tip C marked in red below has been found to be heathland with heather, bilberry and bell heather. This is an important habitat and should not be destroyed through mineral works. No extraction of Tip C because it has habitats of high biodiversity importance (heathland) and that support several species of high biodiversity importance.

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- Heathland is a habitat of international importance listed under Annex 1 of the Habitats Directive 1992. The area of Tip C is about 1 hectare. Habitat such as heathland and acid grassland are used by chough for foraging for invertebrates in the ground.
- There are records of Small Heath butterfly, Lizard, broom moth and skylark,
- The applicant has submitted an Indicative Landscape Restoration Plan, as a map showing that the slate would be restored to heathland. However there is no timescale showing which areas would be restored nor the method of how this will be achieved. Habitats take a long time to develop and achieve the ecological richness of established habitats. The restoration plan requires more detail, e.g. detailed method of how will the heathland be restored and the time scale for each area,
- Monitoring of habitats of the site every 3 years this should include detailed maps of the extent of each habitat and their condition.

Response to re-consultation:

No Response

Welsh Water:

No objection but advise that;

The application area, (existing access track) is crossed by a trunk/distribution watermain and that Dwr Cymru as Statutory Undertaker has statutory powers to access their apparatus at all times. Confirmation that the following list of advice notes are sufficient in this instance and there will not be a requirement to include as conditions as suggested in the initial consultation response.

1. *No structure is to be sited within a minimum distance of **6 metre** easement each side of the centre line of the water main. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.*
2. *Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.*
3. *If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other*

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protection will need to be provided to protect the water main from heavy plant.

4. *The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.*
5. *The existing ground cover on the water main should not be increased or decreased.*
6. *All chambers, covers, marker posts etc. are to be preserved in their present position.*
7. *Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.*
8. *No work is to be carried out before this Company has approved the final plans and sections.*

These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.

Public Consultation: A notice was placed at a location close to the site on the 7th March 2018 and neighbouring residents were informed by letter on the 27th February 2018. No letters of representation have been received in response to statutory publicity on the application.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Planning Policy Wales (PPW) (Edition 9, November 2016) sets out the Assembly Government's planning policy in relation to mineral extraction. Each MPA should ensure that their development plans make allowances to contribute to the supply of minerals that meet local, regional and national needs. To this extent, development plan policies should contribute towards the maintenance of a landbank of permitted reserves.
- 5.2 In June 2008, the Gwynedd Council Board resolved to endorse the Regional Technical Statement produced by the North Wales Regional Aggregates Working Party. The North Wales Regional Technical Statement has been the subject of review and consultation in December 2013. The statement has been prepared in accordance with the provisions of the Minerals 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. The main purpose of the statement is to set out the strategy for the provision of the aggregates in the North Wales region.
- 5.3 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. Slate workings in Gwynedd have been traditionally associated with the production of high quality roofing material, but more recently its application has

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ventured into architectural sawn slabs, decorative building materials as well as the exploitation of slate waste as a secondary aggregate to substitute traditional primary resources. The Gwynedd Unitary Development Plan recognises that slate waste is a valuable resource that can be used as an alternative source of aggregate which eases the pressure on other primary mineral resources.

- 5.4 In respect of slate as a source of aggregate, the RTS review states; *“In North Wales, crushed slate, derived either from slate waste (as a by-product of roofing material production) or quarried specifically for use as primary aggregate, features significantly in the overall pattern of supply, especially in Gwynedd. In consideration of regional requirements, the RTS confirms that; “most slate aggregate is used locally within north west Wales and there is little to suggest that the existing pattern of supply either needs to change or is capable of doing so”..... ”.*
- 5.5 However, with respect to the 2015 RAWP Report, it is noted that whilst the use of slate waste derived aggregate has been included in the total sales figures to provide an overall aggregate market picture, slate is not combined with other rock types for the purposes of the crushed rock landbank. This is not meant to reflect on the suitability of the material for aggregate use, rather the uncertainty surrounding the reserve figures which could be in excess of 40m tonnes. Instead, slate is shown as an indicative landbank based on declared returns of 23m tonnes with a respective landbank of 52yrs based on a 3 year sales average and 40yrs based on a 10year sales average, but it is noted that the true permitted reserves figure may be greater.
- 5.6 PPW supports the use of recycled material where possible to place less pressure on primary resources. As such, it sees the need for the pattern of supply in Wales to change through the increased use of secondary materials. Therefore the principle of re-working slate tips is accepted as an alternative to proposals involving the winning and working of material from the virgin rock.
- 5.7 With respect to securing an alternative supply of material, the principle of secondary mineral extraction is acceptable and in terms of local need, the development complies with the sustainability criteria of Policy PS 22 of the Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026, having regard to current national policy for maintaining a landbank of mineral reserves in accordance with the guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement.
- 5.8 In addition to the principle of the need for the development, the essential planning issues in this case are addressed below;

Visual Amenities

- 5.9 Landscape character may be described as the combination of landscape elements, patterns, quality, scale landform and land-use which make an area distinctive from another and creates a sense of place. Within slate quarrying landscapes, there is a unique aesthetic cumulating in features of industrial heritage and nature conservation interest. The site is located only 1km from the boundary of the National Park and the local landscape is also characteristic of pockets of upland moorland surrounded by historic fieldscapes of 19th Century intakes as defined in the Special Landscape Designation in the Joint Local Development Plan as the North Western Fringes of Snowdonia.
- 5.10 The application statement confirms the removal of material from tips surrounding the quarry compound with the intention of preserving the external faces in order to minimise visual impacts as much as possible. For the area to the east of the shooting

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range area (Phase 4), the removal of material in this area will be confined to the eastern-most part of the tip, thereby preserving the steeper western face and maintaining current views from distant viewpoints to the west. Generally, the application site benefits from a well-screened location.

- 5.11 In order to assess the impacts upon the landscape, a landscape and visual impact assessment (LVIA) has been undertaken. However, in terms of Historic Landscapes, TAN 24 advises that information on the Register of Historic Landscapes should be taken into account when determining planning applications and an ASIDOHL assessment has been submitted in support of the proposals, given the position and scale of the application within the historic landscape designation. An ASIDOHL assessment is a detailed process for assessing how much change a proposed development may bring to the fabric and appearance of the surrounding historic landscape. The assessment considers the significance of the waste tips that surround the quarry compound and of the impacts that may arise from quarrying operations. The tips identified for removal in this application have been selected following a specific assessment of all tips associated with the quarry with those considered to be of historical, archaeological or cultural significance being omitted from the scheme and preserved for their particular value to the landscape.
- 5.12 The ASIDOHL assessment refers to important scientific and philosophical associations, citing the work done by Charles Darwin in developing Glacial Theory following a visit to Moel Tryfan in 1842. It also refers to the important literary associations with the fictional work of Kate Roberts, one of the foremost Welsh language authors. In terms of impacts and their evaluation, the assessment considers; essential, contextual information, direct & indirect, physical impacts, evaluation of relative importance of areas and an assessment of overall significance of impact on the entire historic landscape.
- 5.13 In terms of the overall impacts of the proposal, the assessment concludes that the proposed development, if permitted, would have a MODERATE impact on both HLCA14 – Mynydd Cilgwyn-Moel Tryfan-Moel Smytho and HLCA20 – Moel Tryfan Enclosures) which in turn will cause a MODERATE degree of change to the overall character and value of the registered Nantlle Valley landscape of outstanding historic interest.
- 5.14 The Landscape and Visual Impact Assessment concludes that the impacts on landscape character were found to be minor to medium beneficial overall with visual effects largely negligible but up to moderate in the short term for one particular dwelling. Furthermore, the LVIA found that these effects will be ameliorated by the growth of heathland, becoming beneficial to both the landscape resource and the visual experience by varying degrees.
- 5.15 The Gwynedd and Môn Joint Local Development Plan states under MWYN 9, ‘Restoration and Aftercare’, “...Applications for mineral working will be refused unless a comprehensive scheme for restoration, aftercare and after use”. The criteria requirements of Policy MWYN 9 also state that proposals include a scheme for the afteruse of the site and details of the restoration and aftercare required to achieve it. The planning statement outlines a strategy for restoration that is sympathetically designed to ensure that the final landform is assimilated into the local landscape, enhancing the view from within and from outside the National Park whilst maintaining historical and cultural heritage.
- 5.16 The original application included 2 zones for processing and 3 separate stockpiling areas within four distinct phases of development. In the interests of protecting the

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amenities of neighbouring residents and that of the surrounding area and historic landscape designation, amended details and plans have been submitted to reconfigure the sequence of operations so that the properties of Tan y Foel Fawr and Tan y Foel Fach are effectively screened by the configuration of existing tip embankments. Consequently, the revised proposals exclude any processing within Area B of the Phase 4 of workings and no stockpiling within Area C of the western phase of workings (phase 3). Furthermore, the processing of material from the phase 4 of workings will be undertaken on the current level of the existing quarry workings (Phase 1) and operations involving the removal of slate from phase 4 is to be curtailed so that the configuration of tip fingers on the northern and western extent of the site are retained. Furthermore, it would be expedient to restrict permitted development rights for the siting of plant and machinery within the Phase 4 of operations.

- 5.17 Given the above amendments, the sequence of working and restoration for the development show that processing Area 'A' and Stocking Area 'B' are to be retained for the duration of operations given that Phase 1 of development proposes to establish a new haul route shown on the application plans as a permanent replacement for the existing, which is to be restored upon completion of the Phase 3 proposals. In addition, the amended proposals now include for a detailed substrate/soils recovery strategy and reseeded proposals to be implemented in accordance with the revised scheme of sequential phasing and restoration. The proposal also includes for the use of the existing stocking area on the southern tip plateau, as permitted under pl. prm C15/0571/17/MW, which will be restored upon completion of the Phase 3 works.
- 5.18 The site is located on common land adjacent to a Public Right of Way, and within CCW's register of Nantlle historic landscape. Given the scale and nature of the development, it is not considered that the proposal will materially affect the character of the Special Landscape Area given the context of current and historic slate workings. Subject a condition to secure restoration in accordance with the amended plans and the revised restoration strategy prepared by Gritten Ecology in support of the application, the development conforms with policy AT 1, AMG 2, AMG 3, MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan.

Archaeology

- 5.19 TAN 24 issued in 2017, provides guidance on how specific aspects of the historic environment should be considered. It emphasises that changes in the historic environment are inevitable as a result of varying pressures including damage caused by use and the need to respond to social, cultural, economic and technological changes. It further states that Conservation Principles should be used to assess the potential impacts of a development proposal on the significance of any historic asset and to assist in decision making where the historic environment is affected by the planning process.
- 5.20 Where archaeological remains are known or considered likely to exist, an appropriate, desk-based assessment should be undertaken and submitted in support of a planning application which should make provision archaeological mitigation or to record any archaeological features that may be disturbed or destroyed.
- 5.21 Both the ecological & archaeological assessments submitted in support of this application provide an overview of the site characteristics and the setting of the proposal in a wider historic landscape context. In respect of archaeological significance of the site, the focus of the report provides an assessment of the features identified with recommendations for further archaeological work or mitigation for the entire tip complex at Moel Tryfan. However for this proposal, the assessment of archaeological impacts is restricted to the red line area of the application and any recommendations

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for archaeological mitigation in the wider context does not mean an acceptance of future working in respect potential impact on historic or cultural heritage assets which should be the subject of a further planning application to be assessed on its own merits. Amended details in the form of a revised archaeological report provides further recommendations for archaeological work for those features that are likely to be affected by the minerals operations.

- 5.22 The report confirms that the study area forms a powerful post-industrial landscape being part of the Nantlle-Moel Tryfan slate-producing region. The cultural associations of the area are particularly significant, including scientific, philosophical and literary associations of the landscape such as Charles Darwin and the Welsh novelist Dr Kate Roberts. The report highlights the importance to recognise the sensitivity of these associations and that the literary associations are particularly relevant in that they explicitly consider the meaning of a slate-quarrying landscape, and of landscape change, in a unique Welsh cultural context.
- 5.23 The assessment assigns categories of significance for the archaeological sites ranging from A to E, with A representing sites of national importance, B sites of regional or county significance, C sites of district or regional importance, D minor or damaged sites and E sites needing further investigation. It also defines levels of recording of archaeological sites with the assessment requiring Level 1 and 2 recording. Level 1 recording is essentially a basic visual record, typically consisting of drawings, photography and written account, whereas Level 2 is a descriptive record, made in circumstances similar to those of Level 1 but when more information is needed.
- 5.24 Fifty sites were identified in the report of which all were ascribed to the Post-Medieval period. Of the sites identified in the archaeological assessment, 22 are located within the area covered by the application boundary, where 1 is categorised as A, 13 as B, 2 as C and 7 as E. Specific recommendations are made in respect of each site, but overall, the assessment recommends that consideration be given to an overall Conservation Management Plan to reflect the site's historic significance. The applicant is agreeable to undertaking the necessary archaeological work, so far as the recording is restricted to those sites affected by the development proposals. Additionally, the applicant is willing to draw up a conservation management plan to include the wider quarry/tip area.
- 5.25 As stated above, the requirement for further archaeological work will be secured under planning condition but having scanned through the report, with the exception of level 1 recording of 21st Century quarry office (feature 34) or the 'post-medieval' shooting range (feature 37).
- 5.26 Although the Gwynedd Archaeological Planning Service did not submit any observations in response to consultation on the application, the report confirms that the advice of the Development Control Officer was sought and obtained. Furthermore, the methodology followed in the assessment complies with the standards set out by the Institute of Field Archaeologists. Known archival sources in the major research holdings were consulted, including the NLW and Bangor University, as was material in the HER and aerial photography curated by the GAT and the NMR curated by the RCAHMW, Aberystwyth.
- 5.27 In terms of impacts on cultural heritage and that of archaeological significance of the slate mining industry within a registered Landscape of Outstanding Historic Interest, it is considered that the development and proposed scheme of archaeological mitigation and the production of a conservation management plan conforms to the requirements

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of the planning guidance in PPW 9 and TAN 24 with policies MWYN 3, AT 1 & AT 4 of the Gwynedd and Môn Joint Local Development Plan.

General and residential amenities

- 5.28 The proposed development has the potential to cause environmental impacts from the perspective of dust, noise and visual impacts attributed to the removal, processing and haulage of slate. The application proposals confirm the siting of mobile plant and machinery adjacent to the current site welfare and marshalling area for the crushing and screening of material but also the possibility of such operations continuing within the quarry void under the terms of the ROMP determination. It should be borne in mind however that the proposal involves the sourcing of secondary aggregate from slate tips and does not involve an increase in existing quarry output or traffic.
- 5.29 Two residential dwellings, or sensitive development, fall within 200m of the application site, namely Tal y Foel Fawr, at 103m located at the foot of the incline haul route, the other being Tan y Foel Fach at approximately 150m north. 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*”. MTAN1 states that research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction and any processing operations, followed by traffic, noise and blasting.
- 5.30 Both Minerals Planning Policy Wales and MTAN1: Aggregates have established the principle of buffer zones around mineral extraction sites. Policy MWYN 5 of the Joint Local Development Plan adopts the objectives of protecting land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. MTAN1 recommends a minimum distance of 100 metres for sand and gravel operations and others where no blasting is permitted, although the adopted Joint UDP specifies a 200m buffer for all slate operations including mineral working deposits unless there are clear and justifiable reasons for reducing the distance where there is limited impact from the extraction site.
- 5.31 Both sensitive properties are already located within 200m of the haul road serving the current extraction activities. With respect to the application proposals, slate material would be transported to the processing area shown on the Indicative Operational Layout and Phasing Plan, which is located outside of the 200 metre buffer zone, and protected further by an acoustic screening bund. The application also confirms the use of 3 separate stockpiling areas located within the respective phases of the development.
- 5.32 The application plans propose to maintain the front end (western) of the tip nearest Tal y Foel Fawr to act as a visual and acoustic screen, thereby reducing impacts on the nearest receptors. Further discussion with the applicant has resulted in an amendment to the sequence of working. Phase 1 of workings now includes an enlarged area of working to facilitate the construction of a new haul road and which will be utilised as a stocking and processing area for the duration of the development. Amended plans show that the original Phase 3 of workings will be implemented in advance of Phase 2, which will ensure that the slate embankment on the western extent of the site be maintained between the workings and noise-sensitive property until the final stages of the development.
- 5.33 A noise impact assessment submitted in support of the application confirms the lowest measured background noise level at 29.3dB (A) at the nearest noise-sensitive property. With the adoption of a noise management plan and appropriate screening and the siting

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of plant machinery, the report states that the calculated noise levels attributed to haulage, the loading/unloading of material and critically, crushing and screening operations are predicted to be below the threshold of 10 decibels above existing background noise levels at adjacent sensitive properties, in accordance with the MTAN1 guidance. A noise limit of 41dB *L_{Aeq, 1 hour, free field}* is already in force for the operation of a haulage yard at the foot of the incline. However, with respect to the MTAN1 guidance, and in the interests of enforcing a workable noise limit, operations involving the loading and haulage of materials is intermittent and not as constant a source of noise as the operation of a crusher for 5 hours a day during the campaign contract periods.

- 5.34 In response to consultation, Gwynedd Public Protection recommend the following as a planning condition; “ *The Noise Rating Level shall not exceed the background noise levels +10 dB(A) (1 hour), where background noise levels are less than 45 dB(A). The Background Noise Level shall be as measured and reported in the Acoustic report. Background Noise at Tan y Fawr and Tan Foel Bach is 29.3dB(A)*”.
- 5.35 In the interests of appropriate mitigation and to protect the amenities of neighbouring residents and that of the surrounding area and historic landscape designation, the development plans have been amended so that no processing is undertaken within Area B of the Phase 4 of workings and no stockpiling within the western most extent of the tip workings. Noise mitigation as proposed in Table 4.1 ‘*noise management table*’ of the Pollution Prevention Plan received on the 3rd July 2018 includes the following;
- Crusher to be orientated in such a way that the lowest noise emissions from any given elevation of the machinery faces the residential properties;
 - Processing areas will be located as far away from the receptors as practically possible and that the operation of the crusher will be screened at all times by a bund of at least 3m height;
 - Crusher to be operated only between the hours of 10.00hrs and 15.00hrs;
 - Output to remain at four loads per day between 08.00 16.00 hours;
 - Vehicles maintained and operated with silencers but also, white noise reversing alarms to be fitted to all plant and machinery operated on site by condition;
 - Restriction of speed limits on haulage road to 5mph;
 - Engines switched off when not in use;
 - Access road and haul routes maintained in good state of repair to prevent potential body slap of haulage vehicles;
 - Drop heights from all discharge points kept to a minimum, tipper body to be lowered before departing the tipping area and no shaking of vehicle bodies whilst tipper is raised;
 - Where possible, loading plant/machinery will only be operated at ground level. Machinery not be left to idle atop crests of materials and stockpiles.
- 5.36 In consideration of the above mitigation, it is considered that in terms of potential noise impacts, there is justification to allow working within the buffer zone limit in this instance.
- 5.37 The application provides a dust management plan that may be used on site to prevent the risk of fugitive. Dust mitigation as proposed in Table 5.1 ‘*dust management table*’ of the Pollution Prevention Plan received on the 3rd July 2018 includes the following;
- Crushing process is ongoing and therefore processed material is unlikely to remain at the site for any significant length of time prior to the loading and removal off site;
 - Drop heights from all discharge points kept to a minimum;

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- Processing areas will be located as far away from the receptors as practically possible and that the operation of the crusher will be screened at all times by a bund of at least 3m height to help containing any fugitive dust emissions from the use of the crusher.
- Output to remain at four loads per day between 08.00 16.00 hours;
- Site surfaces and haulage routes to be dampened down using bowsers during dry conditions;
- Onsite water bowsers will offer constant dust suppression for equipment used in the processing and screening of materials;
- Mud or detritus deposited on the highway to be treated as an emergency and cleaned by site operatives,
- Stockpiling areas and loading of vehicles restricted to the bunded processing area with a stockpile height at a minimum of 1.0m below the crest of the existing contour;
- Stockpiles will be sprayed with water to prevent excessive drying and dust formation.
- Maintaining a site diary to log complaints and take remedial action, as necessary;
- Formal inspections for dust emission at the site boundary twice daily;
- Sheeting of vehicles removing potentially dusty loads from site;
- Restriction of speed limits on haulage road to 5mph;
- Site supervisor to make a visual inspection of dust emissions at the site perimeter at least twice daily to ensure that no dust blows off the site. The results of monitoring exercises and any remedial action taken will be entered into the log book which is available for the LA/NRW to inspect upon request.

5.38 In response to consultation, Gwynedd Public Protection recommend that in respect of air quality, the development complies with the following conditions; “ *The levels of PM10’s shall not exceed 50µg/m-3 as a daily mean with no more than 35 exceedences per year, and 40µg/m-3 measured as an annual mean, when measured outside sensitive properties/dwellings nearby; and; “ The levels of PM2.5 shall not exceed 25µg/m3 as an annual mean, when measured at the nearest sensitive human health receptor”* .

5.39 Natural Resources Wales have raised the issue concerning potential noise impacts affecting the tranquillity of walkers visiting Mynydd Mawr approximately one and a half miles due south east of the site within the Snowdonia National Park. Following this, NRW confirmed that the inclusion of mitigation measures within the Pollution Prevention Plan are satisfactory and have requested a condition to amend the wording slightly within the Noise Management Table. No objection has been raised by the National Park Authority in response to consultation but it appears that the noise assessment and mitigation measures proposed in the application have been prepared to address any potential instance of statutory nuisance to adjacent property and the anticipated levels are reflective of the guidance for noise in MTAN 1. With the additional mitigation suggested for the sequence of operations and in particular, the re-location of processing area B to the existing level platform where the site office is located, it is unlikely that the proposal will have a detrimental impact on the integrity and purpose of the National Park.

5.40 It is considered therefore that subject to appropriate conditions to control the impacts of noise and dust, working hours and processing operations (crushing and screening), and implementation of mitigation in accordance with the submitted dust and noise management plans, the proposal will not have a detrimental impact on the amenities of the area and therefore conforms to Policy MWYN 3 & PCYFF 2 of the Gwynedd and Môn Joint Local Development Plan.

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Traffic and access matters

- 5.41 The application site occupies a rural location and cannot be served by any means of transportation other than road-going vehicles. As such, all material produced on the site will be taken off site by heavy goods vehicles typically capable of carrying up to 30 tonne payloads. The road network in close proximity to the application site consists mainly of Class 2 'B' roads, the quarry being served by the Fron to Rhosgadfan road.
- 5.42 Whilst the proposed development seeks to expand in terms of the resource available, the application does not include proposals for an increase in output above the 4 loads per day as permitted under planning permission C16/0063/17/MW.
- 5.43 The new quarry access onto the adjoining County Highway has been laid out and constructed in accordance with the application plans of permission ref. C13/1296/17/LL, and 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. In response to consultation, the transportation unit commented that they had no objection to the proposal but recommend consultation with the Public Rights of Way Unit for further advice on the impact of the proposal on Public Footpath No. 46 in the Community of Llandwrog.
- 5.44 Given that there will be no change to the current output restrictions, it is considered that the proposal is acceptable in principle in that the development is compliant with Policies TRA 4 of the Gwynedd and Môn Joint Local Development Plan.

Biodiversity Matters

- 5.45 The site is included within the South Moel Tryfan wildlife site, having UK biodiversity priority habitats listed under S.42 NERC Act 2006, i.e. Dry and Wet Heath and Dry Acid Grassland. The Welsh Assembly Government Technical Advice Note 5 (Nature Conservation and Planning) September 2009 states that local sites have an important role to play in meeting biodiversity targets and policies in UDPs and Local Development Plans should provide for their protection. The nature conservation interests for which they have been designated are therefore a material consideration in planning decisions. The guidance further states that; *"The conservation and enhancement of locally designated sites is an important contribution to the implementation of Biodiversity Action Plans and to the management of features of the landscape of major importance for wild flora and fauna. Developers should avoid harm to those interests where possible. Where harm is unavoidable it should be minimised by mitigation measures and offset as far as possible by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature"*.
- 5.46 Ecological surveys have been carried out during 2016 and as already mentioned in this report, both the ecological & archaeological assessments provide an overview of the site characteristics and the setting of the proposal in a wider historic landscape context. The four development areas subject to the proposal show varying degrees of colonisation by bryophytes, lichens and acid grassland, which is succeeding to *Calluna vulgaris* dominated heath much like the surrounding Common. However, most of the tips are either too blocky in nature or possess insufficient fines for any vegetation development and are more-or-less composed of bare slate waste (*possibly cutting shed waste for phases 1 – 3*), although several rare lichens and one bryophyte species of note was found during the surveys.

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- 5.47 No reptiles were found during dedicated refugia surveys but Reasonable Avoidance Measures (RAMs) are suggested to minimise any possible impacts, particularly on Common Lizards (*Zootoca vivipara*) and no overwintering bird species of note were recorded during surveys. Several bird species were noted nesting within the main Quarry void including Chough (*Pyrhacorax pyrrhacorax*), a Schedule 1 species, which appears to be unaffected by regular disturbance from nearby Quarry plant. A nearby quarry adit has shown minor bat interest but this is located away from possible impact by the proposal. The site as a whole is sub-optimal for bats but suitable RAMs are suggested.
- 5.48 NRW confirm in their consultation response that; “Subject to implementation of the precautionary measures detailed within section 5.6.2 of the Ecological Report (*Ecological Impact Assessment, October 2016*), we do not consider that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. A condition could be placed on the permission requiring that the area of recent infill within a cutting that extends southwards from adit be removed once sufficient space has been provided with the removal of material from the adjacent Phase 4 of workings, to allow sufficient space for the passage of quarry vehicles.
- 5.49 However, in response to consultation, Gwynedd Council Biodiversity stated an objection to the proposal confirming that habitats surrounding Moel Tryfan quarry are of high biodiversity value supporting semi-improved neutral grassland, dry heath/acid grassland mosaic, wet heath/acid grassland mosaic as well as many species associated with heathlands. Dry heath and blanket bog listed under Annex 1 of the EU Habitats 1992. In summary, the biodiversity officer’s grounds for objection are;
- No extraction within Phase 4 (tip which abuts the Moel Tryfan Geological SSSI designation) because it has habitats of high biodiversity importance (heathland) and that support several species of high biodiversity importance.
 - The restoration plan requires more detail, e.g. detailed method of how will the heathland be restored and the time scale for each area.
 - Monitoring of habitats of the site every 3 years this should include detailed maps of the extent of each habitat and their condition.
- 5.50 Ecological enhancement is discussed in the application and includes for the establishment of dry heath communities on the footprint of each of the four tips subject once extraction has ceased. Amended plans and details include a methodology for the restoration of tips prepared by Gritten Ecology in June 2018. The scheme outlines a detailed itinerary of measures to restore the tip faces to a heather/grassland mosaic including the stripping and direct placement of substrate recovered from the phase 4 of operations in preference to placing the material in storage. Where storage is required, the substrate will be stripped as far as possible during the early spring so as to allow a full season’s growth to follow but essentially, the health of the substrate will be maintained and monitored in the interests of conserving a valuable seed bank. The document also provides a strategy for the aftercare of restored areas which includes a seed mix for bare ground surfaces should the rate of colonisation and succession prove to be unsuccessful. It would be expedient to request prior notification of soil/substrate stripping in advance of operations in Phase 4 together with confirmation by reference to a scale plan of the location and volumes of materials stored in situ. Natural Resources Wales has now confirmed that they are satisfied with the revised layout plan and also the content of the Restoration of Tips Report by Gritten Ecology.
- 5.51 Although designated as a Local Wildlife Site which is supported by Policies AMG 5 & AMG 6 of the Joint Local Development Plan, it is considered that the revised strategy

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provides sufficient mitigation measures to ensure that soils and substrate may be stored and conserved for future restoration proposals. Part of the Phase 4 workings have also been curtailed in the interests of protecting the integrity of the Moel Tryfan Geological SSSI but also the configuration of the tip fingers along the northern and western extent of the tip. Essentially, the development will exploit a source of secondary aggregate which is supported in principle on a National level and in respect of the development proposed here, the need for the development outweighs the importance of the site for local nature conservation and the proposal therefore conforms to Policy, AMG 5, AMG 6, MWYN 3 & MWYN 9 of the Joint Local Development Plan.

Dwr Cymru Assets

- 5.52 In response to consultation, Dwr Cymru have no objection to the proposal but advise that the application area, (existing access track) is crossed by a trunk/distribution watermain and as Statutory Undertaker, Dwr Cymru has the statutory powers to access their apparatus at all times. Welsh Water Developer Services further advise that conditions for development near watermains may be included as advisory notes together with a copy of the Welsh Water consultation response as opposed to conditions on the decision notice.

Moel Tryfan Geological SSSI

- 5.53 Natural Resources Wales had stated concerns in their initial consultation response about the proposal to locate crushing and screening equipment within the phase 4 of workings, in that part thereof would also be located within the Moel Tryfan Geological SSSI. NRW also requested confirmation of whether any of the fines or other material will be disposed of within the Moel Tryfan SSSI and an assessment of any potential effects to demonstrate the SSSI will not be adversely affected by the proposals.
- 5.54 The proposal includes for the backfilling of waste arisings within the excavated tip areas as indicated on the application cross-sections. However, the processing of material and the disposal of mineral waste is likely to continue within the Moel Tryfan Quarry SSSI for the foreseeable future in accordance with the application plans attached to the original 2007 ROMP determination.
- 5.55 In response to the concerns of NRW, and that of the possible impacts on the amenities of the SLA and Historic Landscape designation, the amended plans and details have been re-configured to exclude any processing activities within the Phase 4 of workings. Also, operations involving the removal of slate from phase 4 is to be curtailed so that the configuration of tip fingers on the northern and western extent of the site are retained.
- 5.56 In response to further consultation on the amended proposals, NRW confirm that they are satisfied with the revised layout plan which demonstrates that no slate waste will be removed from within the SSSI. In respect of the possible impact of the proposal on a nationally designated Site of Special Scientific Interest, the proposal therefore conforms to Policy, AMG 5, AMG 6 & MWYN 3 of the Joint Local Development Plan.

Flooding and Surface Water Drainage

- 5.57 The landform and associated drainage at Moel Tryfan has been modified significantly by the extensive, historical extraction and processing of slate and the presence of quarry voids and significant slate waste tips.

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- 5.58 A Hydrogeological Impact Assessment (HIA) submitted in support of the planning application provides an investigation of the water environment in the vicinity of Moel Tryfan Quarry. Extraction of new material is not proposed and the minerals proposals would be restricted to the removal of material from mineral working deposits. The assessment concludes that there will be no direct interaction with groundwater in its natural environment and the potential magnitude of impact of the development is considered to be negligible, with no significant effects. The assessment indicates that the proposals are benign with respect to the local water environment. However, there is potential to impact on groundwater quality in the event of accidental spillage of hydrocarbons from vehicles entering the site or from refuelling of site vehicles.
- 5.59 In response to consultation, NRW requested that a Pollution Prevention Plan be submitted in support of the proposals to show how all potential sources of pollution (with particular regard to suspended solids) would be controlled on site, with particular reference to mitigating for any slate slurry run-off from entering nearby watercourses.
- 5.60 In response to NRW's concerns, a Pollution Prevention Plan (PPP) was submitted by the applicant which re-affirms the conclusions of the HIA assessment that water quality will be safeguarded by the continuation of the same methods which are currently employed. In addition spill kits will be deployed at strategic locations within the site and personnel trained in their use. The PPP confirms that all surface drainage will soak away naturally to ground with no point discharges from the site. It also confirms on-site arrangement for fuel storage, management systems for the storage and handling of materials, breakdowns and spillages and the control of mud and debris, requiring all haulage vehicles to be inspected prior to accessing public roads. In response to consultation NRW recommends that the Pollution Prevention Plan is amended via condition to include weekly visual inspection of the off-site watercourses to ensure there is no contamination.
- 5.61 A flood consequences assessment (FCA) was also undertaken in tandem with the HIA and this concludes that the proposed continued recovery of waste slate from the historic tips will not alter the current flood susceptibility of the site and downstream areas. There are legacy flood issues associated with the slate waste tips. However, the assessment concludes that the current situation will not be altered by the proposed development and as a result, there will be no increase in flood risk from any source to either internal or external receptors.
- 5.62 In response to consultation, NRW confirmed that it has reviewed the submitted Flood Consequence Assessment and confirms that the application area is shown to be within zone A as per the Development Advice maps accompanying TAN15: Development and Flood Risk, which is considered to be little or no risk of fluvial or tidal/coastal flooding. The introduction to the FCA refers to '*...well known existing legacy issues relating to recurrent flooding that affects land to the west of the site...*'. NRW note that the FCA seeks to decrease the risk to 'external' (elsewhere) receptors although no flood mitigation measures are proposed. NRW further suggest that the matter be discussed with the drainage department within Gwynedd Council who act as the Lead Local Flood Authority. However, no comments or observations were submitted by Gwynedd Land Drainage and Coastal Protection in response to consultation on the application.
- 5.63 Subject to standard minerals conditions for fuel storage, the safeguarding of local water courses and compliance with the submitted Pollution Prevention Plan, the development complies with Policy MWYN 3 and PCYFF 6 of the Gwynedd and Môn Joint Local Development Plan. A note to applicant referring to the statutory responsibilities within the remit of NRW would be included as a note to applicant on the decision notice.

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Public Rights of Way and Common Land

- 5.64 The site is located on Uwchgwyfai Common Land with the access currently running along side public footpath No. 46. In response to consultation, Gwynedd Public Rights of Way requested sufficient provision to protect footpath No 46, both during the constructional and operational phases of the development.
- 5.65 Subject to appropriate conditions to secure the integrity of the public right of way and the issue of a *'note to applicant'* to contact Gwynedd Council Public Rights of Way prior to the commencement of works, the proposal complies with the objectives of the Joint Local Development Plan.
- 5.66 The application is contained within the Uwchgwyrfai Common. In addition to an application for planning permission, consent is also required from Welsh Government to carry out the works. Any planning permission will also require a *'note to applicant'* confirming the issue of their consent to carry out the works under *'The Works on Common Land, etc (Procedure) (Wales) Regulations 2012 ('the Works Regulations')*.

Sustainability matters

- 5.67 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.
- 5.68 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 provides an extension to the authority's landbank of slate reserves, with regard to current national policy and guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement. The development will secure the continued supply of slate products at Moel Tryfan and Alexandra Quarry which will ensure that the Council can fulfil its apportionment obligations of supplying secondary aggregates for the North Wales sub-region.

The Economy

- 5.69 Slate quarrying has been part of the way of life in Gwynedd for centuries and the legacy of its activities has become as much a part of the culture and landscape of the area as the Welsh language and scenery. 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

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to guide economic development to the most appropriate locations, rather than prevent or discourage such development.

- 5.70 The proposed development will extend the operational lifetime of the quarry and secure continued employment of workers employed directly and indirectly as a result of the quarry operations. Furthermore, the retention of a local workforce has positive impacts on the culture and more specifically, the status of the Welsh Language in the region. The proposal to which the application relates is absolutely critical to the company's future economic contribution. The company makes a direct and significant contribution to the local economy, employing up to 11 workers associated with the quarrying activities or companies which provide services for the operating company.
- 5.71 The proposal will therefore be likely to make a positive contribution on the economy of the area in accordance with Strategic Policy PS 13 of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.

Response to the public consultation

- 5.72 There have been no concerns raised by third parties in response to consultation the application. The material considerations relevant to this proposal have been assessed having regard to the relevant planning policies and guidance and it is not considered that there is justification to refuse this application.

6. Conclusions:

- 6.1 The development is located within the Snowdonia Special Landscape Area and the Nantlle Landscape of Outstanding Historic Interest. The proposal seeks to provide additional resources to satisfy demand for a sought-after mineral not covered by the existing ROMP determination and involves the removal of the inner parts of the slate tips overlooking the existing marshalling yard and shooting range.
- 6.2 There is unlikely to be any apparent change in site working conditions or moderate change to the visual impact of the workings and the development will not detract from the positive features in the landscape or those elements that contribute to the distinctive character of the historic landscape. There are no overriding planning policy issues sufficient to warrant refusal of planning permission and issues relating to noise, dust & environmental controls are well established on this site with relatively few instances of complaint forwarded for the attention of the mineral planning authority.
- 6.3 The planning statement outlines a strategy for restoration that is sympathetically designed to ensure that the final landform is assimilated into the local landscape, enhancing the view from within and from outside the National Park whilst maintaining historical and cultural heritage. Restoration of the site includes proposals to regenerate wildlife following removal of material from the tips, populating the area with species already indigenous on the boundary of the workings, thereby replicating the heathland setting. The restoration concept therefore seeks to maintain the character of the surrounding historic landscape and not introduce elements that would be incongruous to the setting and in this respect the findings of the ecological report recognise the biodiversity importance of the surrounding quarry and waste tips.
- 6.4 Given the scale and nature of the development, it is not considered that the proposal will materially affect the character of the Special Landscape Area within the context of current and historic slate workings. Subject a condition to secure restoration in accordance with the amended plans and the revised restoration strategy prepared by Gritten Ecology in support of the application, the development conforms with policy

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AT 1, AMG 2, AMG 3, MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan.

- 6.5 PPW supports the use of recycled material where possible to place less pressure on primary resources. As such, it sees the need for the pattern of supply in Wales to change through the increased use of secondary materials. Therefore the principle of re-working slate tips is accepted as an alternative to proposals involving the winning and working of material from the virgin rock. With respect to securing an alternative supply of material, the principle of secondary mineral extraction is acceptable and in terms of local need, the development complies with the sustainability criteria of Policy PS 22 of the Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026, having regard to current national policy for maintaining a landbank of mineral reserves in accordance with the guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement. In addition, the proposal is likely to make a positive contribution on the economy of the area in accordance with Strategic Policy PS 13 of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.
- 6.6 In terms of impacts on cultural heritage and that of archaeological significance of the slate mining industry within a registered Landscape of Outstanding Historic Interest, the ASIDOHL document concludes that the proposed development would have a MODERATE impact on both HLCAs (HLCA14 – Mynydd Cilgwyn-Moel Tryfan-Moel Smytho and HLCA20 – Moel Tryfan Enclosures) which in turn will cause a MODERATE degree of change to the overall character and value of the registered Nantlle Valley landscape of outstanding historic interest.
- 6.7 It is considered that the development and proposed scheme of archaeological mitigation and the production of a conservation management plan conforms to the requirements of the planning guidance in PPW 9 and TAN 24 as well as policies MWYN 3, AT 1 & AT 4 of the Gwynedd and Môn Joint Local Development Plan.
- 6.8 Planning conditions imposed to meet modern standards will allow sufficient control on the potential nuisance impacts of noise and dust on the amenities of the area. It is considered therefore that subject to appropriate conditions to control the impacts of noise and dust, working hours (as existing) and processing operations (crushing and screening), and implementation of mitigation in accordance with the submitted dust and noise management plans, the proposal will not have a detrimental impact on the amenities of the area and therefore conforms to Policy MWYN 3 & PCYFF 2 of the Gwynedd and Môn Joint Local Development Plan.
- 6.9 There will be no change to the current output restrictions of four loads per day in combination with the sister permission as determined under a ROMP and it is considered that the proposal is acceptable in principle in that the development is compliant with Policies TRA 4 of the Gwynedd and Môn Joint Local Development Plan.
- 6.10 The site is included within the South Moel Tryfan wildlife site, having UK biodiversity priority habitats listed under S.42 NERC Act 2006, i.e. Dry and Wet Heath and Dry Acid Grassland. However, the development will exploit a source of secondary aggregate which is supported in principle on a National level and in respect of the development proposed here, the need for the development outweighs the importance of the site for local nature conservation and the proposal therefore conforms to Policy, AMG 5, AMG 6, MWYN 3 & MWYN 9 of the Joint Local Development Plan. Precautionary measures To be implemented in accordance with section 5.6.2 of the Ecological Report (*Ecological Impact Assessment, October 2016*), in respect of any

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potential harm or disturbance to bats or their breeding sites and resting places at this site.

- 6.11 A condition will require that the area of recent infill within a cutting that extends southwards from addit be removed once sufficient space has been provided with the removal of material from the adjacent Phase 4 of workings, to allow sufficient space for the passage of quarry vehicles.
- 6.12 Moel Tryfan SSSI will not be adversely affected by the development proposals and in respect of the possible impact of the proposal on a nationally designated Site of Special Scientific Interest, the proposal therefore conforms to Policy, AMG 5, AMG 6 & MWYN 3 of the Joint Local Development Plan.
- 6.13 Dwr Cymru have no objection to the proposal but advise that conditions for development near watermains should be included as advisory notes together with a copy of the Welsh Water consultation response as opposed to conditions on the decision notice.
- 6.14 Subject to standard minerals conditions for fuel storage, the safeguarding of local water courses and compliance with the submitted Pollution Prevention Plan, the development complies with Policy MWYN 3 and PCYFF 6 of the Gwynedd and Môn Joint Local Development Plan. A note to applicant referring to the statutory responsibilities within the remit of NRW would be included as a note to applicant on the decision notice.
- 6.15 The application is contained within the Uwchgwyrfai Common. In addition to an application for planning permission, consent is also required from Welsh Government to carry out the works. Any planning permission will also require a ‘note to applicant’ confirming the issue of their consent to carry out the works under ‘The Works on Common Land, etc (Procedure) (Wales) Regulations 2012 (“the Works Regulations”). Gwynedd Public Rights of Way requested sufficient provision to protect footpath No 46, both during the constructional and operational phases of the development.
- 6.16 The proposal satisfies the sustainability goals of Planning Policy Wales and The Well-being of Future Generations Act (Wales) 2015.

7. Recommendation:

Approve – Conditions:

1. Commence development within 5 years,
2. Compliance with the application plans,
3. Restriction of PD rights within the Phase 4 of workings,
4. 25 year permission,
5. Copy of the permission available at the site office,
6. Site to be restored sequentially in accordance with the phased scheme of operations shown on the application plans and in accordance with the methodology for soil stripping and handling submitted with the application,
7. Review of site operations, phasing & restoration at 5-year intervals,
8. Noise levels at nearest sensitive property,
9. Noise management in accordance with the Noise Management Plan submitted in support of the application and amendments as requested by NRW.
10. Prior notification to the MPA of any operations subject to temporary noise limits of 67db for no more than eight weeks in any 12 month period,
11. Noise monitoring upon written request of the MPA,

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12. White noise reversing alarms to be fitted to all plant and machinery operated on site and no reversing alarms used on site after 19.00hrs;
13. Processing only within Area A as indicated on the application plans and that the operation of the crusher will be screened at all times by a bund of at least 3m height;
14. Crusher to be operated only between the hours of 10.00hrs and 15.00hrs;
15. Output to remain at four loads per day between 08.00 16.00 hours;
16. Access restricted to the Class 3 highway as indicated on the application plans with output restricted to four HGV loads per day,
17. Working hours at the site restricted to;
18. 07.30 - 18.00 Mondays to Fridays & 07.30 - 13.00 Saturdays,
19. Dust management in accordance with the Dust Management Plan submitted in support of the application,
20. Requirement for air quality monitoring on the request of the MPA,
21. Water bowsers maintained on site to dampen-down surfaces traversed by haulage vehicles,
22. Standard minerals conditions for fuel storage, the safeguarding of local water courses and compliance with the submitted Pollution Prevention Plan and amendments as requested by NRW,
23. Written notification prior to the commencement of soil/substrate stripping & storage within Phase 4 of workings & confirmation by reference to a scale plan of the location and volumes of materials stored in situ,
24. All soils and overburden to be used in works of restoration and none shall be removed off site without the prior written approval of the MPA,
25. Archaeological recording & watching brief in accordance with the amended report GC394,
26. Submission of a Conservation Management Plan within 6 months of the commencement date of the permission,
27. Mitigation for bats in accordance with section 5.6.2 of the Ecological Report (*Ecological Impact Assessment, October 2016*) & removal of infill from a cutting adjacent to the haul road serving Phase 4 and the quarry void,
28. Measures to secure that Public Right of Way No. 46 is not compromised both during the constructional & operational phases of the development,
29. 'Note to Applicant' on matters that would otherwise fall within the remit of the Dwr Cymru (Consultation Response Appendix 1), Natural Resources Wales (Consultation Response Appendix 2) Welsh Government and Gwynedd Council Public Rights of Way.
30. Note to applicant that the application has been assessed in accordance with the seven sustainability goals of the Well-being of Future Generations Act (Wales) 2015.