

PLANNING COMMITTEE	DATE: 17/12/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

**Number:** 5

**Application Number:** C18/0853/22/LL

**Registration Date:** 04/10/2018

**Application Type:** Full - Planning

**Community:** Llanllyfni

**Ward:** Llanllyfni

**Proposal:** Application under section 73 to vary condition 10 on planning permission C18/0489/22/LL, so as to operate an output of 300 tonnes per day

**Location:** Chwarel Ty Mawr West, Talysarn, Caernarfon, Gwynedd, LL546BD

**Summary of Recommendation:** TO APPROVE SUBJECT TO CONDITIONS

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## 1. Description:

- 1.1 This is an application under section 73 to vary condition 10 on planning permission C18/0489/22/LL so as to operate an output of 300 tonnes per day without being subject to an annual output restriction of 30,000 tonnes. Application C18/0489/22/LL sought to vary conditions 1, 5 & 8 on the original planning permission C09A/0046/22/MW in order to extend the timescale for the implementation of development involving the removal of material from a mineral working deposit and to allow the import of inert waste for processing/transfer and the use of residual soils and granular material in the restoration of the site. Given that this is an application to vary a condition on a previous grant of minerals consent, there is no requirement to comply with the statutory procedures for 'major development' in accordance with the development management regulations.
- 1.2 The site is located on the south side of the Nantlle valley adjacent to the B4418 county highway and forms part of a larger complex of mineral workings having a planning history dating back to 1993. Operations involving the removal of slate tips and the landfill of quarry voids using inert materials have continued uninterrupted within the Ty Mawr East landholding since the grant of the original permission. The applicant's operations at Ty Mawr West commenced in 2004 and further extended under the terms of the current permission in 2009 & 2011.
- 1.3 More recently, operations at Ty Mawr West have been extended by agreement in order to incorporate the scheme of working and restoration with the adjacent minerals review site at Tyn y Weirglodd. The planning boundary of the two permissions are contiguous with one another and the revised scheme serves to rationalise operations involving the removal of slate tips to provide a more manageable scheme of restoration.
- 1.4 Ty Mawr West is an active quarry currently operating under two minerals permissions; C18/0489/22/LL which is the subject of this application but also, C11/1139/22/MW, granted subject to conditions on 13<sup>th</sup> June 2012 for the resumption of primary extraction of slate from Old East Quarry. In addition, there are two extant permissions for the import of waste materials; C18/0410/22/LL, granted subject to conditions on 29<sup>th</sup> June 2018 (S.73 application) for the restoration of the Old East quarry and C15/1020/22/LL granted subject to conditions on 19<sup>th</sup> November 2015 to establish a repository for the temporary storage of inert soils for future recovery and beneficial use in restoration. Both permissions for the import of materials have yet to be implemented. This application seeks to amend condition 10 of the previous Section 73 application; C18/0489/22/LL so as to operate an output of 300 tonnes per day without being subject to an overall output restriction of 30,000 tonnes per annum.
- 1.5 The applicant proposes to commence importing approximately 60,000 tonnes per annum of slate for processing in accordance with the maximum permitted input of 300 tonnes per day under condition 11. Condition 10 specifies an output of 30,000 tonnes per annum which would currently restrict a potential throughput of 87,600 tonnes. The applicant states that the commercial requirements of the operation could be achieved by allowing a consistent input and output rate of 300 tonnes per day, subject to condition 8 of the permission which restricts the amount of imported materials stored for processing at any time to 20,000 tonnes within the area designated as a temporary repository under planning permission C15/1020/22/LL and that no materials shall be stacked or deposited therein to a height exceeding 5 metres.
- 1.6 The proposed increase in throughput will ensure that the developer has access to a wider range of restoration materials and will therefore enhance and accelerate the scheme of

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restoration and ensure the re-establishment of native tree species lost as a consequence of mineral operations on the site.

- 1.7 The proposed development does not fall within the description and criteria set out in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, nor paragraph 11 to Schedule 2 of the Regulations, other operations. It has been screened however due to its location adjacent to the National Park boundary, *sensitive areas under regulation 2(1) of the EIA Regs. 1999*. Having screened and assessed the proposal in accordance with the development criteria under Schedule 3, it is considered that the likely impact of the development on the environment is insufficient to justify the submission of an environmental impact assessment with the planning application.

## 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.
- 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 decision.

### 2.3 Gwynedd and Môn Joint Local Development Plan 2011 - 2026:

Strategic Policy PS 5: Sustainable Development  
 Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy  
 Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment  
 Strategic Policy PS 21: Waste Management  
 Strategic Policy PS22: 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 PCYFF 2: Development Criteria

POLICY PCYFF 4: Design and Landscaping

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POLICY TRA 4: Managing Transport impacts

POLICY GWA 2: Waste Management and Allocated Sites

POLICY MWYN 3: Mineral Developments

POLICY MWYN 9: Restoration and Aftercare

### 2.3 National Policies:

- Polisi Cynllunio Cymru, Fersiwn 9 Tachwedd 2016, Llywodraeth Cymru
- Deddf Llesiant Cenedlaethau'r Dyfodol Llywodraeth Cymru (Cymru) 2015,
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) MTAN 1: Aggregates (2004)
- 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 Minerals Technical Advice Note (Wales) 21: Waste (February 2014),
- Collections, Infrastructure and Markets Sector Plan (CIMS) 2012

### 3. Relevant Planning History:

- 3.1 Planning application C01A/0646/11/LL, was granted subject to conditions on 23<sup>rd</sup> April 2004 for the removal of material from a mineral working deposit.
- 3.2 Planning Application C06A/0619/22/MW, for the removal of material from a mineral working deposit and restoration to rough grazing using inert materials granted 26<sup>th</sup> October 2006 at Ty Mawr East, (proposals previously granted under app. 3/22/529 & 3/22/529A 8<sup>th</sup> April 1993) administered by Watkin Jones Construction Ltd.
- 3.3 Planning Application C09A/0046/22/MW for a proposed extension of mineral waste extraction area & rationalisation of existing minerals development was granted subject to conditions on 22<sup>nd</sup> April 2009,
- 3.4 Planning Ref. C04A/0006/22/MW, Determination of a Scheme of Working and Schedule of Conditions under the Environment Act 1995 (planning permission 3/22/11 Dated 30th October 1974), winning and working of minerals and associated operations at Tyn y Weirglodd Quarry, Nantlle,
- 3.5 Planning Ref. C11/1139/22/MW, was granted subject to conditions on 13<sup>th</sup> June 2012 for the, resumption of primary extraction of slate from Old East Quarry.
- 3.6 Planning Ref. C13/0542/22/LL was granted subject to conditions on 10<sup>th</sup> July 2013 for the variation of existing planning permission C11/1139/22/LL involving the importation and placement of inert soils for site restoration purposes.
- 3.7 Planning Ref. C15/1020/22/LL was granted subject to conditions on 19<sup>th</sup> November 2015 to establish a repository for the temporary storage of inert soils for future recovery and beneficial use in restoration.
- 3.8 Planning Ref. C18/0410/22/LL was granted subject to conditions on 29<sup>th</sup> June 2018 under section 73 of the TCPA 1990, to vary conditions 1 & 2 on planning permission C13/0542/22/LL in order to extend the timescale for the commencement & implementation of development involving the import and placement of inert soils for site restoration purposes following mineral extraction.
- 3.9 Planning Ref. C18/0489/22/LL was granted subject to conditions on 27<sup>th</sup> July 2018 under section 73 of the TCPA 1990, to vary conditions 1, 5 & 8 on planning permission C09A/0046/22/MW in order to extend the timescale for the implementation of the

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development and to allow the import of inert waste for processing & transfer and the use thereof in the restoration of the site.

- 3.10 Planning Ref. C18/0812/22/DA for a non-material amendment to condition 10 of planning permission C18/0489/22/LL was refused on 18<sup>th</sup> September 2018 for the reason that the scale of the proposed changes were considered substantial enough to cause an impact different to that caused by the original development scheme and would have a material effect on the amenities of the area.

#### 4. Consultations:

Llanllyfni Community Council: No Response

Public Protection: Further to the MPA's suggested changes to the noise conditions, Public Protection confirm that, where background noise is more than 45db(A), it is possible to amend the condition to stipulate that; between the hours of 07.30 and 18.00 weekdays and 07.30 and 13.00 Saturdays, the noise level arising from the development shall not exceed 55 dB LAeq. Where the background noise is lower than 45dB(A), the noise level arising from the development shall not exceed the background noise level by more than 10dB.

Gwynedd Highways & Transportation Unit: No Objection. Do not propose to make a recommendation as the site opens out onto a Class 'B' highway which is of a standard that can cope with regular heavy traffic.

Welsh Water: No Response

National Park Authority: No observations as it is not considered that the proposal will have a detrimental impact on the Snowdonia National Park

Gwynedd Council Public Rights of Way Officer: No Response

Natural Resources Wales: No objection but submit the following comments;

- Having reviewed the application and from the information provided, NRW do not consider that the proposed development affects matters listed on their checklist "Natural Resources Wales and Planning Consultations" (March 2015): <https://naturalresources.wales/guidance-and-advice/businesssectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planninganddevelopment/?lang=en>.

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- NRW confirm however that the site does not currently benefit from an Environmental Permit. The site will require an Environmental Permit before any controlled waste is kept, treated or disposed of at the site. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.
- We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Public  
Consultation:

A notice was placed on the site and neighbouring residents were informed. The consultation period ended on 30<sup>th</sup> October 2018. No letters of representation had been received during the consultation period.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The original application C09A/0046/22/MW was granted subject to conditions on the 22<sup>nd</sup> April 2009 which pre-dates the procedural requirements to publicise 'Minerals Applications' as 'major development' and provide a consultation report for the purposes of Article 2, Section 1 of the Town and Country Planning Order (Development Management Procedure) (Wales) Regulations 2012 (as amended). However, this is an application under section 73 to vary condition 10 on a subsequent planning permission granted under Section 73 in order to operate the site on an output of 300 tonnes per day without being subject to an overall restriction of 30,000 tonnes per annum. Given that the principle of minerals development is already established on this site, there is no requirement therefore to comply with the statutory procedures for 'major development' in accordance with the development management regulations.
- 5.2 The development as already approved under C18/0489/22/LL permits the importation of inert waste for processing which will further enable the operator to produce secondary aggregates and recycled products to meet the end of waste specification, i.e. the processed substance can be used in exactly the same way as a non-waste, thereby reducing the dependence on primary aggregates but also, reducing the amount of inert waste materials being taken direct to landfill. TAN 21 makes it clear that C & D disposal to land is only likely to be considered if it is 'recovery' to achieve a better after-use and disposal in its own right should be refused. The essential characteristic of a waste recovery operation is that its principal objective is that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources. This position is further supported by National and Local planning policy requirements as well as the North Wales Regional Technical Statement on Aggregates.
- 5.3 Matters relating to the sensitivity of the landscape - Snowdonia National Park, Special Landscape Area & Landscape of Outstanding Historic Interest have already been addressed in the previous application to allow the import of inert waste for processing & transfer and the use thereof in the restoration of the site. Similarly, matters relating

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to biodiversity, public rights of way and archaeological matters do not feature in the assessment of this application as they have already been assessed in previous applications C09A/0046/22/MW & C18/0489/22/LL and found to be acceptable. This application does not change the principle of the development that was previously approved and based on the amendment that forms part of this application it is considered that the material planning issues in this case are;

- The import of slate and inert materials for processing in accordance with the maximum permitted input of 300 tonnes per day under condition 11 in order to achieve a potential throughput of 87,600 tonnes per annum.
- The site is an active mineral working with a restoration strategy for amenity and nature conservation whilst retaining specific elements of the Historic Landscape. Policy MWYN 9 of the Joint Local Development Plan '*Restoration and Aftercare of Mineral Workings*', lists among other considerations; the existing use of the site, adjoining land uses, the surrounding landscape character, proposed landform and afteruse for the site,
- The impacts of an increased throughput on the amenities of the area, i.e. impacts of noise, dust, haulage and working hours,
- The impacts of haulage on amenity and the capacity of the local highway network,
- The economic and social desirability of prolonging local employment.

5.4 An increased throughput will ensure that the developer has access to a wider range of restoration materials and will therefore enhance and accelerate the scheme of restoration and ensure the re-establishment of native tree species lost as a consequence of mineral operations on the site. 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 PS21 & GWA2 of the Joint Local Development Plan.

#### **Visual Amenities**

5.5 The application site is located adjacent to the Snowdonia National Park and within the Nantlle Landscape of Outstanding Historic Interest and designated Special Landscape Area in the Joint Local Development Plan. The Gwynedd landscape strategy was developed in 1999 using LANDMAP methodology which establishes a systematic method for recording and retrieving information about specific landscape qualities. Historic Landscapes and Quarrying Landscapes feature in landscape character area '4' (*Caernarfon-Coast and Plateau*). Amongst other key design issues, the strategy recognises the importance of the Register of Landscapes of Outstanding Historic Interest in Wales and takes into account the historic and cultural significance of these areas, nature conservation objectives and habitat management

5.6 There is unlikely to be any apparent change in site working conditions with moderate change to the visual impact of the workings within the overall setting of the degraded quarry landscape. The potential significance of landscape and visual impacts is determined by a combination of the magnitude of the potential impact and the sensitivity of the landscape setting to change and the possible visual and landscape impacts attributed to an increase in throughput include a combination of plant machinery extracting material, vehicle movements. Condition 8 of the permission already restricts the amount of imported materials stored for processing at any time to 20,000 tonnes within the area designated as a temporary repository under planning

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permission C15/1020/22/LL and that no materials shall be stacked or deposited therein to a height exceeding 5 metres.

- 5.7 It is not considered that the scale, complexity and duration of the development is sufficient to require an Assessment of the Significance of the Impacts on Historic Landscape Areas (ASIDOHL), to provide an appraisal the direct and indirect (physical & non-physical) impacts of the development on the surrounding historic landscape as well as local impact. Given the scale and nature of the development, it is not considered that the proposal would alter or have a significant impact on the features and qualities of the slate quarrying landscape that is distinctive to the landscape character of the Dyffyn Nantlle historic landscape and SLA designation.
- 5.8 Given the scale and nature of the development, it is not considered that the proposal would alter or have a significant impact on the features and qualities of the slate quarrying landscape that is distinctive to the landscape character of the Dyffyn Nantlle historic landscape and SLA designation. The site is an active quarry and the approved scheme of restoration will enhance features that are distinctive to landscape character and of local biodiversity importance and will mitigate for the potential visual & landscape impacts of the minerals development. The proposal therefore complies with the requirements of Policies AMG 2, AMG 3, AT 1, PCYFF 4 & MWYN 9 of the Joint Local Development Plan.

#### **General and residential amenities**

- 5.9 The authority has consulted with both 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, the authority received no specific observations or objections in respect of potential nuisance or the impact of the proposal on residential amenities.
- 5.10 It is considered that the site can operate without adversely impacting upon the amenities of the area under the terms of the existing conditions with the previous grant for the removal of material from a mineral working deposit. Ty Mawr West already operates a full range of activities involving the crushing and screening and screening of slate waste and in terms of environmental effects, the proposed increase in throughput be the subject of environmental controls through planning conditions, or permits issued under specialist remit of the Environment Agency. The nearest sensitive receptor is the property of Ty Mawr which is located over 200 metres from the existing crushing and screening facilities. The development will be subject to the same regulatory controls for the impacts of noise and dust already attached to conditions on the existing permission or any conditions updated in accordance with revised standards or planning policy requirements. However, having reviewed the scope of existing conditions it was considered that conditions imposed to control the impacts of noise be amended to simplify the noise monitoring criteria in accordance with the relevant guidance in MTAN1.
- 5.11 Further to the MPA's suggested changes to the noise conditions, Public Protection confirm that, where background noise is more than 45db(A), it is possible to amend the condition to stipulate that; between the hours of 07.30 and 18.00 weekdays and 07.30 and 13.00 Saturdays, the noise level arising from the development shall not exceed 55 dB LAeq. Where the background noise is lower than 45dB(A), the noise level arising from the development shall not exceed the background noise level by more than 10dB.
- 5.12 There are no overriding planning policy issues sufficient to warrant refusal of planning permission, and issues relating to noise, dust & environmental controls are well



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established on this site. There is no requirement therefore to provide a Waste Planning Assessment or comply with the statutory procedures for ‘major development’ in accordance with the development management regulations. With the imposition of similar planning conditions for the previous development for the processing of minerals, it is considered that there would be no adverse impact on amenities of local residents and that the development conforms to policy PCYFF 2 of the Joint Local Development Plan (Planning Criteria).

### **Traffic and access matters**

- 5.13 In response to consultation on the application, the transport unit confirmed that they do not object to the proposal as it is considered that the ‘B’ Class county highway has the capacity to deal with heavy traffic. Ty Mawr West has operated for many years on an output level of 30,000 tonnes per annum. Since the grant of the original permission in 2004, quarrying activity has diminished substantially in the Nantlle valley to such an extent that the situation is bears no comparison to the Mott Mac Donald Report commissioned by the Local Highways Authority in 2002. As stated above, this application seeks an increase in output to 87,000 tonnes per annum, subject to the existing restrictions imposed under planning condition to 300 tonnes or 15 x 20-tonne payloads per day.
- 5.40 The Mott Macdonald report was commissioned in order to carry out a study to investigate the potential effects on the highway network that may arise as a result of increased interest in the use of slate waste, generated as a result of the financial advantage given to secondary aggregates (slate waste) by the aggregates levy. It was considered at the time that the impacts of heavy haulage on the settlement of Penygroes were already at a critical level with any increase having a detrimental impact on road safety and on the amenities of local residents. In comparison with the situation today; the position in terms of permitted output from the Nantlle direction remains consistent, although the total haulage impacts on the village of Penygroes is reduced on account of economic climate, the closure of Cilgwyn landfill and the cessation of mineral operation at Trosglwyn Tip, Carmel, Ty Mawr East, Pen yr Orsedd and the consolidation of the Tyn y Weirglodd output with the current Ty Mawr West workings.
- 5.14 As stated in paragraph 5.6 above, no more than 20,000 tonnes of imported materials shall be stored for processing at any time within the area designated as a temporary repository under planning permission C15/1020/22/LL The proposal for an increase in throughput is acceptable in principle in that the development is compliant with Policies TRA 4 of the Joint Local Development Plan.

### **Sustainability matters**

- 5.15 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.

### **The Economy**

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- 5.16 The development proposed will constitute a positive contribution to the restoration of the quarry and therefore extends the period of employment of workers involved directly and indirectly as a result of the quarry operations. Furthermore, the availability of a landfill facility for the local building economy will address the waste proximity principle as well as carbon emissions down. The proposal will therefore be likely to make a positive contribution on the economy of the area in accordance with strategic policy PS13 of the Joint Local Development Plan.

### **Response to the public consultation**

- 5.17 The application was advertised by means of a site notice and neighbour notification. No third party responses or objections were received during the statutory publicity period ending on 12<sup>th</sup> July 2018.

### **6. Conclusions:**

- 6.1 The development as already approved under C18/0489/22/LL permits the importation of inert waste for processing which will further enable the operator to produce secondary aggregates and recycled products to meet the end of waste specification. As stated above, this application seeks an increase in output to 87,000 tonnes per annum, subject to the existing restrictions imposed under planning condition to 300 tonnes or 15 x 20-tonne payloads per day. The proposed increase in throughput will ensure that the developer has access to a wider range of restoration materials and will therefore enhance and accelerate the scheme of restoration and ensure the re-establishment of native tree species lost as a consequence of mineral operations on the site.
- 6.2 There is unlikely to be any apparent change in site working conditions with moderate change to the visual impact of the workings within the overall setting of the degraded quarry 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. There is no requirement therefore to provide a Waste Planning Assessment or comply with the statutory procedures for 'major development' in accordance with the development management regulations. It is not considered that the scale, complexity and duration of the development is sufficient to require an Assessment of the Significance of the Impacts on Historic Landscape Areas (ASIDOHL), to provide an appraisal the direct and indirect (physical & non-physical) impacts of the development on the surrounding historic landscape as well as local impact. Given the scale and nature of the development, it is not considered that the proposal would alter or have a significant impact on the features and qualities of the slate quarrying landscape that is distinctive to the landscape character of the Dyffyn Nantlle historic landscape and SLA designation.
- 6.3 Issues that would otherwise fall within the remit of Natural Resources Wales have been listed in this report, e.g. 'the requirement for a waste permit under the Environmental Permitting Regs. 2010 & any amendments to the drainage regime will be brought to the attention of the developer by means of a 'note to applicant' issued with planning permission, but will not feature in the list of planning conditions attached to the actual decision notice.
- 6.4 It is considered that the positive impacts of providing a local facility for the disposal of soils and excavation arisings will address the waste proximity principle and provide a sustainable option for the restoration of a former mineral working to an amenity based afteruse which will contribute to the biodiversity of the area.

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- It is considered that the proposal will not have a detrimental impact on any additional features of archaeological importance or have a direct or indirect (physical & non-physical) impact on the Historic Landscape Character Area (Policy AT1 & AMG 3),
- It is considered that the proposal will not have a detrimental impact on the setting of the National Park,
- Given that the increase in throughput to 87,000 tonnes per annum will be subject to the existing restrictions imposed under planning condition to 300 tonnes or 15 x 20-tonne payloads per day, the proposal will not have a detrimental impact on the local highway (Policy TRA 4),
- The inclusion of planning conditions as imposed under a previous grant of permission are sufficient to control the potential nuisance impacts of noise and dust on the amenities of the area (Policy PCYFF 2).

## 7. Recommendation:

7.1 To authorise the Senior Manager, Planning, Environment and Public Protection Services to approve the application subject to the following scope of conditions;

- Duration of Working 19 November 2028, final restoration by 31 November 2030
- Permitted Operations & Compliance with the Submitted Details/Plans of C09A/0046/22/MW
- Hours of Working 07.30 – 17.00 Mon – Fri & 08.30 – 13.00 Saturdays
- Only slate and other mineral wastes to be removed and no material below the original ground level
- No more than 20,000 tonnes imported materials stored at any time in accordance with extant minerals permissions and used in works of restoration
- Haul road & site office to be used exclusively for the purposes of the development
- Mark out boundary of extraction areas
- Import & limitations as existing
- Output at 300 tonnes per day without being subject to an overall restriction of 30,000 tonnes per annum
- Method of working
- Access as existing
- Restoration, scheme of tree planting & habitat creation
- Control of Noise, revised wording to reflect modern standards & fitting of white noise reversing alarms
- Control of fugitive Dust as existing
- Review of operations every 5 years
- Restriction of permitted development rights
- Mitigation for bats (tunnels kept open)
- Archaeological mitigation
- No vegetation removal in specific areas between April and August
- Soils & restoration media storage
- Note to applicant with NRW consultation response attached
- Note to applicant concerning PROW 51 (Llanllyfni)
- Note to Applicant Well-being of Future Generations Act (Wales) 2015