

PLANNING COMMITTEE	DATE: 11/02/2019
REPORT OF THE PLANNING AND PUBLIC PROTECTION SERVICE SENIOR MANAGER	CAERNARFON

Number: 7

Application Number: C18/1126/17/LL

Date Registered: 04/12/2018

Application Type: Full - Planning

Community: Llandwrog

Ward: Talysarn

Proposal: Application under Section 73 to vary condition 6 on planning permission C16/0063/17/MW to allow 5 HGV loads per day, Monday to Friday with no HGV movements on a Saturday

Location: Chwarel Moel Tryfan/Alexandra Quarry, Rhosgadfan, Caernarfon, Gwynedd, LL547RF

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 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 The original Review of Mineral Permissions (ROMP) Determination Ref. CO7/0325/17/MW imposed a number of conditions including a restriction on the transport of quarry product from the site. Planning permission (C14/0471/17/MW) dated 5 November 2014 sought to relax the restrictions imposed under condition 6 to allow an increase in output from 10,000 to 20,000 tonnes per annum, subject to a maximum of four loads per day. A further application under C16/0063/17/MW sought to remove the upper annual output limit of 20,000 tonnes per year and enable an increase in output.
- 1.4 This application is made under Section 73 of the Town and Country Planning Act to vary condition 6 on planning permission C16/0063/17/MW to allow an increase in output from four to five HGV loads per day, with no HGV movements on a Saturday. The operator is proposing to vary the relevant condition on each extant permission on site to remove the facility for HGVs access on Saturdays and, in turn, allow one extra movement per day Monday through Friday. This will result in a total of 21 HGVs accessing the site per week which represents an increase of only one extra movement per week.
- 1.5 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*', given that part of the site includes the Moel Tryfan Geological and Geomorphological SSSI. The authority's screening opinion ref. C17/0949/17/SC, dated 12th October 2017 on the sister proposal for the removal of material from a mineral working deposit 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

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with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Gwynedd & Môn Joint Local Development Plan 2011 - 2026.

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

2.3 Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026

Strategic Policy PS 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 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 10 (December 2018),
- 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 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.
- 3.14 **C17/0125/17/MW** – Granted subject to conditions on 6th September 2018 for the removal and processing of existing mineral working deposits for the production of slate aggregates.

4. Consultations:

Llandwrog Community Council: No Response

Llanwnda Community Council: No Response

Snowdonia National Park Authority: No Response

Gwynedd Public Protection: No observations to make on the application provided that conditions imposed on previous permissions are applied to this development as well as application C18/1125/17/LL

Gwynedd Highways & Transportation Unit: No objection in that a proposal for an increase from 4 to 5 loads per day is insignificant and an overall improvement to reduce haulage operations to 5 days per week

Gwynedd Public Rights of Way Unit: No Response

Uwchgwyrfai Grazers Association: No Response

Mines & Quarries Inspectorate: No Response

Crown Mineral Agent: No Response

Gwynedd Economic Development & Communities: No Response

Natural Resources Wales: Based upon the information contained in the application, NRW do not consider that the proposed development affects a matter listed on

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their consultation topics, Development Planning Advisory Service, and therefore do not have any comment to make on the proposed development

Welsh Water: No comments to make in relation to the application

Public Consultation: A notice was placed at a location close to the site on the 18th December 2018 and neighbouring residents were informed by letter on the 17th December 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 Gwynedd Council, along with all of the Welsh Authorities have endorsed the Regional Technical Statement produced by the North Wales Regional Aggregates Working Party which was the subject of a review in 2014. 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.
- 5.2 The mineral operation at Alexandra is served not only by material extracted from the working face of the quarry but also from two slate waste tips. This proposal seeks to vary condition 6 on planning permission C16/0063/17/MW to allow an increase in output from four to five HGV loads per day, with no HGV movements on a Saturday. Similarly, a sister application, C18/1125/17/LL proposes to increase output above the 4 loads per day as permitted under planning permission C18/0125/17/MW granted subject to conditions on 6th September 2018. It is proposed therefore that the output from two extant permissions, C16/0063/17/MW and C18/0125/17/MW be consolidated under planning conditions so that the total daily HGV haulage is set at 5 loads, Monday to Friday, with no HGV movements on a Saturday.
- 5.3 With respect to the need for the development, the proposal therefore does not constitute an extension to the authority's landbank of hard rock reserves, with regard to current national policy and guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement. The purpose of the application is to consolidate the quarry output from two extant minerals permissions. In this regard, the development conforms with Strategic Policy PS 22 and Policy MWYN 3 of the Gwynedd and Môn Joint Local Development Plan.
- 5.4 In addition to the principle of the need for the development, the essential planning issues in this case are addressed below;

Visual Amenities

- 5.5 The development is located within the Snowdonia Special Landscape Area and the Nantlle Landscape of Outstanding Historic Interest. A scheme of restoration and schedule of conditions under the ROMP determination provide 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. There is unlikely to be any apparent change in site working conditions or change to the visual impact of

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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.

- 5.6 Given the nature of the development to amend an output condition, 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 and the development therefore conforms with policy AT 1, AMG 2, AMG 3, MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan.

Archaeology

- 5.7 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 not considered that a proposal to amend the output condition of permission C16/0063/17/MW raises any additional concerns previously addressed under conditions attached to the ROMP determination C07A/0375/17/MW and the development therefore conforms to the requirements 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

- 5.8 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. 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.
- 5.9 Planning Policy Wales and MTAN1: Aggregates set out 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 LDP 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.
- 5.10 With respect to this application, the only amenity impacts to be considered is the increase in output for four loads to five loads per day Monday to Friday, with no HGV movements on a Saturday. Planning conditions already imposed on permission C16/0063/17/MW meet modern standards and allow for sufficient control on the potential nuisance impacts of noise and dust on the amenities of the area. Gwynedd Public Protection have no comments to make on the application provided that conditions imposed on previous permissions are applied to this development as well as application C18/1125/17/LL.
- 5.11 There is unlikely to be any apparent change in site working conditions and 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. It is considered therefore that subject to maintaining the appropriate

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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.

Traffic and access matters

- 5.12 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.
- 5.13 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.
- 5.14 The main benefits of the proposal is to cease HGVs travelling through Penyffridd, Rhosgadfan and Rhostryfan on Saturdays when there is likely to be more on-road parking of residents and more local traffic. This will also reduce the potential for noise and disruption for residents on Saturdays but also, the proposed increase in HGVs using the Class 2 Fron to Rhosgadfan road during the week (Mondays to Fridays) is minor, i.e. one extra HGV per day, and is unlikely to cause additional disruption to the residents of Penyffridd, Rhosgadfan and Rhostryfan during these times. Whilst the increase in output from the quarry from 20 to 21 movements per week is minor, it will represent some economic gain for the operation.
- 5.15 In response to consultation, the transportation unit commented that they had no objection to the proposal to increase output from four to five loads per day, Monday to Friday and an overall improvement with respect to reducing haulage operations to 5 days per week. Condition 6 of planning permission C16/0063/17/MW may be amended as follows;
- Except with the prior written agreement of the mineral planning authority quarry output, alone or in combination with any other extant minerals planning permission at the site, shall not exceed a maximum rate of no more than five HGV loads per day Monday to Friday, with no HGV movements on a Saturday. Figures of the output from the site over any specified period shall be made available to the local planning authority within 21 days of request.*
- 5.16 In addition to condition 6, there will be a requirement to address condition 11 of the same permission which stipulates working hours for specific operations Monday to Saturday. With the exception of operations associated with the removal of material from a mineral working deposit, soils and overburden removal, restoration works, servicing, maintenance and testing of fixed and mobile plant, the condition should be amended, in accordance with the sister application, C18/1125/17/LL, to stipulate that HGVs shall only be permitted to enter or leave the site between 08.00hrs to 16.00hrs Monday to Friday.
- 5.17 Given that there will be only a minor change to the current output restrictions, it is considered that the proposal is acceptable in principle in that the development is

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compliant with Policies TRA 4 of the Gwynedd and Môn Joint Local Development Plan.

Biodiversity Matters

- 5.18 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.
- 5.19 It is not considered that a proposal to increase HGV haulage from 4 to 5 loads per day raises any additional biodiversity issues relating to bats, birds and quarry habitat addressed previously on the ROMP determination C07A/0325/17/MW. NRW confirm that based upon the information contained in the application, they do not consider that the proposed development affects a matter listed on their consultation topics, Development Planning Advisory Service, and therefore do not have any comment to make on the proposed development and the proposal therefore conforms to Policy, AMG 5, AMG 6, MWYN 3 & MWYN 9 of the Joint Local Development Plan.

Dwr Cymru Assets

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

Moel Tryfan Geological SSSI

- 5.21 NRW confirm that based upon the information contained in the application, they do not consider that the proposed development affects a matter listed on their consultation topics and therefore do not have any comment to make on the proposed development. 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.

Flooding and Surface Water Drainage

- 5.22 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.
- 5.23 A Hydrogeological Impact Assessment (HIA) submitted in support of planning application C18/0125/17/MW provided an investigation of the water environment in the vicinity of Moel Tryfan Quarry. Given that the variation in condition will not involve any structural works, the same conditions as existing will apply to the protection of local watercourses. It is not considered that the current application raises any issues not previously considered and NRW have no further comments to make.
- 5.23 Subject to standard minerals conditions for fuel storage, the safeguarding of local water courses, 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

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statutory responsibilities within the remit of NRW would be included as a note to applicant on the decision notice.

Public Rights of Way and Common Land

- 5.24 The site is located on Uwchgwyrfai Common Land with the access currently running along side public footpath No. 46.
- 5.25 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.
- 5.26 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

- 5.27 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.
- 5.28 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 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

- 5.29 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

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

- 5.30 The proposed development will 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.
- 5.31 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

- 5.32 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 This proposal seeks to vary condition 6 & 11 on planning permission C16/0063/17/MW to allow an increase in output from four to five HGV loads per day, with no HGV movements on a Saturday. Similarly, a sister application, C18/1125/17/LL proposes to increase output above the 4 loads per day as permitted under planning permission C18/0125/17/MW granted subject to conditions on 6th September 2018. It is proposed therefore that the output from two extant permissions, C16/0063/17/MW and C18/0125/17/MW be consolidated under planning conditions so that the total daily HGV haulage from the site is set at 5 loads, Monday to Friday, with no HGV movements on a Saturday. The main benefits of the proposal is to cease HGVs travelling through Penyffridd, Rhosgadfan and Rhostryfan on Saturdays when there is likely to be more on-road parking of residents and more local traffic.
- 6.2 There is unlikely to be any apparent change in site working conditions or 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 With respect to the supply of material, slate products from Moel Tryfan Quarry have serviced the local community since 2007, providing aggregates, walling stone and dimensional stone. The principle of mineral extraction has since been established under the ROMP determination 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 MTANI (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

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accordance with Strategic Policy PS 13 of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.

- 6.4 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 proposal raises does not raise any additional issues considered under C18/0125/17/MW and the proposal therefore conforms to Policy, AMG 5, AMG 6, MWYN 3 & MWYN 9 of the Joint Local Development Plan.
- 6.5 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.
- 6.6 Dwr Cymru have no objection to the proposal but advise that conditions for development near water mains should be included as advisory notes together with a copy of the Welsh Water consultation response as opposed to conditions on the decision notice.
- 6.7 Subject to standard minerals conditions for fuel storage and the safeguarding of local water courses, 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.
- 6.8 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.
- 6.9 The proposal satisfies the sustainability goals of Planning Policy Wales and The Well-being of Future Generations Act (Wales) 2015.

7. Recommendation:

7.1 Approve subject to the following amendment to conditions 6 & 11 of planning permission C16/0063/17/MW:

6. *Except with the prior written agreement of the mineral planning authority quarry output, alone or in combination with any other extant minerals planning permission at the site, shall not exceed a maximum rate of no more than five HGV loads per day Monday to Friday, with no HGV movements on a Saturday. Figures of the output from the site over any specified period shall be made available to the local planning authority within 21 days of request.*
11. *Except in cases of emergency to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing:-*
- i) operations associated with the removal of material from a mineral working deposit, soils and overburden removal, restoration works,*

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servicing, maintenance and testing of fixed and mobile plant shall be carried out at the site only between the following times;

- *07.30hrs to 18.00hrs Monday to Friday & 07.30hrs to 13.00hrs on Saturdays,*
- ii) Crushing and screening operations shall not take place other than during the following hours:*
- *10.00 to 15.00 hours Monday to Friday*
- iii) No HGVs shall enter or leave the site except between the following times:*
- *08.00hrs to 16.00hrs Monday to Friday*
- iv) no operations other than those related to emergency or environmental monitoring or water pumping shall take place at the site on Sundays or on Public or Bank holidays.*

Development to be subject to the same schedule of conditions under the previous grant of planning permission C16/0063/17/MW to control noise, dust, vibration, hydrology, protection of the water environment, sequence of operations, compliance with the application plans, archaeology, ecological mitigation, review of operations and progressive restoration