

PLANNING COMMITTEE	DYDDIAD: 16/07/2020
REPORT OF THE ASSISTANT HEAD OF THE ENVIRONMENT DEPARTMENT	

Number: 3

Application Number: C20/0067/03/AC

Date Registered: 28/01/2020

Application Type: Minerals

Community: Ffestiniog

Ward: Bowydd & Rhiw

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 1 on planning permission C03M/0010/03/MW to allow the continued operation of an established business for a further 20 years until 31 January 2040

Location: Oakley Ffestiniog Quarry, Blaenau, LL41 3ND

Crynodeb o'r Argymhelliad: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

- 1.1 The application site comprises of a minerals plant which processes slate waste to produce granulated slate products and powders. It is located some 200 metres west of the realigned A470 (T) Road and the residential properties and former chapel at Tal-y-Waenydd. It forms part of the larger Oakeley quarry complex which is located to the north of Blaenau Ffestiniog and extends over a substantial area on the south-eastern flank of Moel Dryman and Allt Fawr. The plant site has operated independently of the remainder of the Oakeley quarry workings and is not totally reliant upon the supply of material from the adjacent slate tips.
- 1.2 Slate feedstock is either delivered to the site from other sources or removed from the adjacent mineral-working deposits using a tracked excavator and fed into a Jaw crusher prior to transfer into a feed hopper and conveyor linking with the minerals plant via a dryer. Within the building, the slate waste is milled and screened with a proportion of the processed material coated with coloured pigment and/or polymer. Finished products are either loaded directly into powder tankers or bagged and stored prior to dispatch by road.
- 1.3 This is one of three planning applications to amend the provisions of extant planning permissions in order to extend the duration of the minerals operation and secure the continued operation of the minerals plant. Therefore, application C20/0066/03/AC & C20/0079/03/AC propose to vary conditions on two sister permissions to secure the continued use of a feedstock area and storage building and the removal of slate tips up until the same end-date of 31st January 2040.
- 1.4 This is the second application to vary conditions imposed on the original planning permission granted in February 1990. Application C03M/0010/03/MW, to develop land without conforming to conditions 4, 5 & 6 on planning permission 5/59/240, permits the continued operation of the plant site from 07.00 hours Monday to 19.00 hours Friday (i.e. 24 hour operation) together with an increase in output from 6 to 9 loads of material per working day and no more than 2 loads on any Sunday, Bank or Public Holiday. The permission also allowed for an amendment to the limits on noise emissions subject to conditions requiring that the operator implements a scheme of noise monitoring.
- 1.5 This application seeks to allow the continued operation of the slate processing plant under the terms of the amended conditions attached to C03M/0010/03/MW for an additional 20 years.
- 1.6 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*'. The authority's screening opinion dated 24th March 2020 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.

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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 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.

Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026

Strategic Policy PS 1: Welsh Language and Culture

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy

Strategic Policy PS 20: Preserving and Where Appropriate Enhancing Heritage Assets

Strategic Policy PS 22: Minerals

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

POLICY AT 3: Locally or Regionally Significant Non-designated Heritage Assets

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 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

Supplementary Planning Guidance – Maintaining and Creating Distinctive and Sustainable Communities 2019

Supplementary Planning Guidance – Landscape Character 2009

National Policies:

- 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) 5: Nature Conservation and Planning (September 2009)
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 11: Noise (October 1997)

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- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 18: Transport (March 2007)
- Technical Advice Note 20: Planning and the Welsh Language (October 2017)
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 23: Economic Development (February 2014)
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 24: The Historic Environment (May 2017)
- Policies, guidance and general principles set out in the Welsh Assembly Government Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004)

3. Relevant Planning History:

- 3.1 The area of the current application site was leased by OMYA from Alfred McAlpine Slate Limited following their purchase of the entire Ffestiniog quarry in 1997. The planning history at this site began with a Deemed Permission made on 12 April 1989 under the provisions of Part 23 of the General Development Order 1988 for the Removal of Material from a Mineral Working Deposit.
- 3.2 Subsequently a conditional Planning Permission 5/59/240 was granted on 8 February 1990 for “the installation of a Slate Processing Plant” which expires on 31 January 2020.
- 3.3 On the 12 March 1991 a further application reference 5/59/240A was submitted by the former operator Messrs Redland Aggregates Ltd, to vary Conditions 5 and 6 attaching to Planning Permission 5/59/240 to relax the working hours and increase the number of vehicle movements. This application was refused on 18 June 1991.
- 3.4 Application No. C00M/0011/03/MW was subject to a full Environmental Impact Assessment and was granted planning permission subject to conditions on 23rd September 2002. The proposals are centred on the existing Ffestiniog/Gloddfa Ganol Quarry operations which were combined upon their joint acquisition in 1997 by Alfred McAlpine Slate Products. The permission is for a limited period expiring on 31st December 2025 and involves combining and enlarging the surface quarrying operations to gain access to pillars of slate within abandoned underground workings and includes an area subject to a previous grant of permission granted conditionally in 1988.
- 3.5 In May 2001 OMYA sought permission to regularise the boundary of the site which had been extended beyond the area of Planning Permission 5/59/240. At the same time retrospective planning permission was sought for the erection of a storage shed and hard standing on the site. Planning Permission reference C01M/0014/03/MW was issued on 5 July 2001 and which expires on 31 January 2020.
- 3.6 Planning Application C03M/0010/03/MW permitted on 18 June 2001 to vary Conditions 4, 5 and 6 of Planning Permission 5/59/240 to allow 24 hour working, expires on 31 January 2020.
- 3.7 Application for a certificate of lawful use, ref. C06M/0090/03/TC, Bryntirion Farm, to retain a vehicle maintenance workshop, store & office and use of land for parking commercial vehicles. The application however was refused on 5th December 2007 for the reason that no certificate of ownership was ever submitted.
- 3.8 Application ref. C10M/0103/03/MW, granted subject to conditions on 29th November 2010 for the regularisation of and future working of material from a mineral working deposit. Bryntirion and Ffridd slate tips, Oakeley Quarry, Blaenau Ffestiniog.

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4. Consultations:

Ffestiniog Town Council:	Support the application on condition that no future development of the site has any further impact on very poor water quality of the Afon Barlwyd
Welsh Government Transportation:	General response submitted on application C20/0066/03/AC, confirming that Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of the development.
Gwynedd Public Protection:	<ul style="list-style-type: none"> • Noise emissions with limits normally being set at particular noise sensitive properties, there are noise levels set on the current applications and the inclusion of noise conditions is considered necessary to safeguard the amenity of the nearby residents, for both daytime & night time levels, • The site currently has an authorised process under The Environmental Permitting (England and Wales) Regulations 2016. However if the Planning Authority deem it necessary air quality conditions can be conditioned with respect to pm10 & pm2.5 particulate matter and Nitrogen Dioxide levels, • Air quality conditions to include monitoring for nuisance dust deposition undertaken upon the request of the mineral planning authority.
Gwynedd Highways & Transportation Unit:	Do not propose to make a recommendation as the development is not considered to have an adverse effect on any highway, or proposed highway

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- Gwynedd Biodiversity:
- No ecological report submitted with the application but as the site is an active quarry, there are no habitats and the proposals therefore are unlikely to impact on nature and wildlife features,
 - Recommend a specific restoration scheme for the site to create habitats such as heathland and woodland with wildlife features such as ponds, reptile hibernation areas and resting places for otters.
 - Materials should be used in a way that will encourage plant growth and colonization, for example, the use of quarry fines, sediments, clay, will assist in the creation of soil and a substrate that will hold water.
 - The seed mixes proposed for upland grassland/heathland mosaic and wet grassland need adjustments to increase the success of the seeding and planting. In addition to seeding, the planting of heather plugs is recommended.
 - The schedule of shrub and tree planting include some species which are not native to the area and will not thrive in the acidic nutrient poor conditions of the slate quarry. Recommend that wild cherry, birch, rowan and sessile oak be used.
 - Monitoring is outlined under section 8.4, however I recommend that a monitoring report is provided that includes photographs, maps of habitats and species lists.
 - Invasive plant species are prevalent within the quarries and tips and I recommend control of the non-native invasive species such as rhododendron and buddleia.

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

Gwynedd Archaeological Planning Service: No comments to make in relation to the application

YGC Water and Environment Unit: No comments concerning drainage or flood risk in relation to this application

Network Rail: General response submitted on application C20/0066/03/AC, confirming that Network Rail has no objection to the development proposals under consideration here;

- Minimal operational development proposed and that the site will continue to process material sourced from mineral working deposits. No significant alteration to works undertaken on site.

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Public Consultation: A notice was placed at a location close to the site on the 4th February 2020 and neighbouring residents were informed by letter. No letters of objection have been received in response to statutory publicity on the application only a single letter of representation which submits the following concerns;

- Potential of plant emissions containing gases impacting on the health and well-being of neighbouring residents.

Gwynedd Council
Language Consultant: No Objection

- Note that the application seeks to continue the operation of an existing business and the proposal does not represent any changes thereto which currently employs 9 full time staff including a high percentage of Welsh speakers,
- The business uses local suppliers where possible which maintains the current position concerning employment opportunities and the language consultant therefore agrees with the impact assessment submitted with the application,
- Suggest that a note to applicant on the decision notice should encourage the site operator to provide bilingual signage where possible in order to improve the bilingual image of the company.

Assessment of the material planning considerations:

5. The principle of the development

- 5.1 This application seeks to secure the continued operation of the slate processing plant for a further 20 years. The application does not include proposals for an extension of quarry workings or an increase in output above the 9 loads per day as permitted under planning permission C03M/0010/03/MW granted subject to conditions on 18th June 2003.
- 5.2 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 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.
- 5.3 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 retain existing quarry infrastructure and provide a facility that will continue to process secondary slate materials from a number of sources, including materials sourced from mineral-working deposits at Oakeley quarry. In this regard, the development conforms with Strategic

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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 Oakeley quarry covers a substantial area on the south-eastern flank of Moel Druman overlooking Blaenau Ffestiniog, forming part of a more substantial legacy of slate workings extending northwards along the A470 trunk road. To the north of the quarry is the Llyn Ffridd y bwlch reservoir, where the topography rises steeply (characterised by escarpments) to form an area of open upland interspersed with areas of woodland plantation. The application site is located approximately 650m due east of the National Park boundary and entirely within the Oakeley Quarry complex, forming part of the Historic Landscape designation of disturbed mineral workings of Blaenau Ffestiniog. As stated above, the proposal seeks to secure the continued operation of the slate processing plant for a further 20 years.
- 5.6 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. The proposed development would cause direct impacts on the landscape of the application site which is unavoidable due to the nature of the development. The sensitivity of the surrounding landscape designations, residential areas and recreational receptors has been taken into account. Distance and the scale of the proposed realignment are also key factors, as the proposal would be difficult to distinguish from the current permitted quarry operations from viewpoints further afield.
- 5.7 The visual appraisal submitted with the application confirms that; “ *The degree of aesthetic and perceptual change would be limited by the presence of other buildings associated with the mineral extraction process within Oakeley Quarry and the wide extent of other tips and mineral landscapes. The extended duration of the operations would lead to the extension of visible and physical disturbance within the area of the proposed development, both at the identified tips and also at the existing mineral plant. However, after restoration the area of the tips removed would be improved and closer to the natural landscape found outside the slate areas representing a positive improvement in the landscape*”, and; “*The key characteristic of the landscape is its slate quarry appearance and this would not be changed by the proposed development. Although the mineral plant site is different in character to the slate tips and faces dominating the landscape, it is an ancillary component, with other existing buildings and the remains of historic buildings found throughout the extensive area ...*”.
- 5.8 The report identifies the main visual receptors as; users of the A470 as the road rounds a bend looking south towards Oakeley Quarry, views of the existing mineral plant and Oakeley Quarry landscape at the site entrance off the A470, a rear view aspect of the application site and wider quarry complex from Tal y Waenydd Cottages and Oakeley Terrace and; walkers using a public right of way within the Llechwedd quarry complex that climbs the hillside to the east of the A470 and which crosses the Zip World attraction and downhill mountain bike track. Whilst distant views may be possible from the higher upland areas to the north (being within the Snowdonia National Park), the scale of the development in the context of the wider quarry site, coupled with the distance of the view, would limit the significance of any impact, including views from properties to south of the application within the settlement of Blaeanu Ffestiniog.

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- 5.9 Possible visual and landscape impacts include a combination of site operations and retention of the plant building and ancillary land for a further 20 years. The appraisal summarises the visual and landscape impacts at representative viewpoints, confirming the magnitude and scale of change as slight to negligible for receptors of medium to high sensitivity, (*outdoor activity participants, walkers and residential properties*), having considered the long-term duration and reversibility of the development and limited geographical extent of change.
- 5.10 Whilst the removal of tips would be subject to a phased scheme of extraction, the supply of material for the processing plant is not entirely dependent on the remaining reserve of mineral held within the slate tip and it is likely that the minerals plant would be used for the full 20-year term of the planning permission. The plant is not prominent in any of the viewpoints or out of scale or context within the quarry workings in which it is situated, but the report does identify the blue chimney and hopper as a marker for most of the visual receptors. In the long-term, positive restoration benefits would include for the removal of the plant and associated structures & buildings in their entirety, although in isolation this would not greatly improve the quarry landscape which would be dependent on a restoration scheme for the whole site. For the short-term, the visual impact of the plant site could be improved if the chimney and associated hopper could be conditioned to specify that the external finish matches the grey colour of the existing plant.
- 5.11 Policy MWYN 3 of the Gwynedd & Môn Joint Local Development Plan provides the development criteria in respect of applications for mineral working with Policy MWYN 9 outlining the requirement for restoration proposals. The scheme of restoration includes the creation of a landform that will recreate replicate natural ground characteristics and drainage features. The scheme also addresses the concerns of Gwynedd Biodiversity to create habitats such as heathland and woodland with wildlife features such as ponds, reptile hibernation areas and resting places for otters.
- 5.12 Restoration proposals will be subject to 5-year scheme of aftercare and proposes that the re-worked tips, ancillary land and plant site area are restored to a combination of heathland mosaic with areas of managed scrub / pioneer woodland habitat and establishment of areas of wet grassland in lower lying areas where surface water may periodically collect. Areas of open ground/successional habitat would also be included to reflect the natural pattern of the landscape and make the most of the opportunities presented by the existing quarry landform. The key objectives of the scheme will therefore integrate/assimilate the site into its surroundings; enhance biodiversity and reinforce landscape pattern and complement the objectives outlined in local landscape character assessments
- 5.13 Within the overall context of the existing Oakeley Quarry site, the identified landscape and visual changes have a limited level of effect and extension of the proposed plant operational period and working of the identified tips would not result in any great levels of impact. Subject to a condition requiring the colour of the chimney and associated hopper to match the existing plant site, it is considered therefore that the proposal is acceptable in principle in that the development is compliant with Policies AMG 3, AT 1, MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan 2011 – 2026.

Cultural Heritage

- 5.14 There are no Scheduled Ancient Monuments within or adjoining the site although it is contained within the Register of Historic Landscapes and there exists a Grade II Listed terrace (Quarrymen's Cottages) 660m south of the application area. The site is not

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contained within the nominated property of the Candidate World Heritage Site bid (*The Slate Landscapes of North West Wales*). An extensive Archaeological Survey was previously undertaken with the 2000 planning application C00M/0011/03/MW. Conditions attached to that planning permission made appropriate arrangements for the recording of such features in accordance with the recommendations of the Supplementary Report, Archaeological/Cultural Heritage Considerations submitted in August 2000. Issues regarding archaeological recording as a requirement of this overarching planning permission are ongoing.

- 5.15 In response to consultation, Gwynedd Archaeological Planning Service confirmed no significant archaeological implications to the proposed reworking of material and it is considered therefore that the proposal will not have a significant impact on the Ffestiniog Historic Landscape or setting of the Candidate World Heritage Site.
- 5.16 The proposal therefore complies with Policy AMG 3, PS 20, AT 1 & AT 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

General and residential amenities

- 5.17 The proposal by its nature is similar to the type of activity that has been implemented on site for many years and which has been the subject of environmental controls through planning conditions, or permits issued under specialist remit of Natural Resources Wales and/or Gwynedd Public Protection. However, there are few, if any, instances of complaint relating to the removal and processing of slate from the Bryntirion tips or the operation of the processing plant. There have been no objections raised by residents in the immediate vicinity of the site in response to statutory publicity on this application with the exception of a single letter of representation concerning odour and gases emitted from the plant site impacting on the health and well-being of neighbouring residents which has been raised previously with the public protection service. Residential receptors at Tal y Waenydd at approximately 220m due west which reflect the minimum distances as defined by MTAN 1: Aggregates and Policy MWYN 5 of the JLDP.
- 5.18 As stated in the introduction, the applicant operates a minerals plant which processes slate waste to produce granulated slate products and powders. Material is removed using a tracked excavator and fed into a Jaw crusher prior to transfer into a feed hopper and conveyor linking with the minerals plant via a dryer. Within the building, the slate waste is milled and screened with a proportion of the processed material coated with coloured pigment and/or polymer. Finished products are either loaded directly into powder tankers or bagged and stored prior to dispatch by road.
- 5.19 The noise report submitted with the application confirms a noise survey undertaken at the nearest sensitive properties at Tal y Waenydd, in accordance with the monitoring requirements of conditions attached to the parent permissions C03M/0010/03/MW & C10M/0103/03/MW. The monitoring results confirm that operational noise generated by both the plant and removal of material from the slate tips to be within the 50dB daytime and 40dB night-time limit stipulated under condition, taking into account all extraneous noise sources, mainly derived from the adjacent A470 Trunk Road.
- 5.20 The report also includes an air quality assessment which identifies residential receptors at Tal y Waenydd at approximately 220m due west and further provides an assessment of potential sources of PM₁₀ particles in accordance with relevant planning and environmental guidance including, Planning Policy Wales and Minerals Technical Advice Note (Wales) 1: Aggregates. Baseline air quality, meteorological conditions and baseline activities have been identified as; mineral processing (crushing and

screening), materials handling (loading), on-site transportation (dump trucks on haul roads) and off-site transportation.

- 5.21 Mineral processing, including the crushing and screening of material takes place using specialist machinery inside the minerals plant as well as within the footprint of the mineral working deposit where the use of mobile plant under an Environmental Permit are fitted with dust suppression equipment and sited within a sheltered part of the slate tip behind screening landforms. Within the minerals plant, the crushing/milling of slate to produce the fine granular and powdered products is undertaken within a contained environment and therefore, the protection of the process plant by enclosure effectively minimises the release of fugitive dust emissions into the atmosphere. Similarly, powders are transferred to bulk tankers via pipework with granular slate product bagged and transferred to a storage building.
- 5.22 In the absence of mitigation, there remains the potential to generate moderate to high levels of dust emissions from exposed surfaces, operational areas, stockpiles of aggregates, haul routes and the off-site transport of finished product. Operational mitigation measures include minimising drop heights when unloading materials, using the existing configuration of tips as a screen bund, minimising internal transport distances, use of water sprays to moisten surfaces and haul routes during dry weather, restriction on speed limits, enclosure of plant and dust suppression of materials during crushing operations.
- 5.23 In addition to the above, the mineral and waste planning authority carry out regular monitoring to secure compliance with the schedule of planning conditions. In addition to the regulatory controls under an Environmental Permit, there are specific planning conditions already imposed in respect of air quality including; an output restriction of nine loads per day, all roads and haulage routes regularly watered to prevent the raising of dust and the sheeting of all loaded vehicles leaving the site to prevent the emission of dust.
- 5.24 The air quality report refers to Air Quality Assessment Levels (AQAL) in the Institute of Air Quality Management guidance (IAQM), 'Guidance on the Assessment of Mineral Dust Impacts for Planning'. With respect to PM₁₀ particulates, the maximum annual mean concentration in the area is 9.5µg/m³; '*micrograms per cubic meter of air*', (Defra, UK Air Information Resource (UK-AIR) website, <http://uk-air.defra.gov.uk/>, accessed October 2019), and therefore less than the threshold of 17µg/m³ in the IAQM guidance, where it is considered there is little risk of the Process Contribution (PC) from the quarry complex causing an exceedance of the annual mean AQAL.
- 5.25 It is considered therefore that the site can operate without undue nuisance to the amenities of the area under the terms of existing conditions for the processing of slate. In mitigation for the potential environmental impacts of the development, there remains a requirement for annual noise monitoring (unless otherwise agreed in writing) and the relevant noise and air quality conditions should include the following;
- Limiting daytime noise level to 50db
 - Limiting night-time noise level to 40db
 - Shut down of primary crusher overnight
 - All doors/shutters to be kept closed overnight
 - No restarting of plant after 22.00 hours (if the plant were to break down overnight it will not be restarted until the following day)
 - The external crusher shall not be operated between 07.00 hours & 22.00 hours
 - No lorries shall be loaded outside 07.00 hours & 22.00 hours

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- Overnight finished product shall be stored in the main building until the following day
- Air quality monitoring undertaken upon the written request of the mineral planning authority to measure the Air Quality Objectives and/or Dust Deposition Rate including provision for the monitoring of meteorological conditions and the methods, apparatus and frequency utilised for recording the presence of dust at specific locations.

5.26 It is considered therefore that the development conforms to policy PCYFF 2, MWYN 3 & MWYN 5 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

Traffic and access matters

5.27 Traffic and transport derived from the operation will not have a detrimental effect on the integrity of the local road infrastructure. As stated in paragraph 3.19 of the application statement, the dispatch of slate products from the site will conform to the limitations imposed under conditions to 9 loads per working day (Monday to Friday), with up to 2 loads on Saturday, Sundays and Bank and Public Holidays.

5.28 In response to consultation, Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of the proposal and Gwynedd Council Highways and Transportation Unit do not propose to make a recommendation as the development is not considered to have an adverse effect on any highway, or proposed highway. The proposal therefore complies with TRA 4 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

Biodiversity

5.29 There are no issues concerning statutory designated sites or ecological matters concerning this site. All of the degraded mineral workings at Oakeley and Gloddfa Ganol are designated as a local wildlife site (*Quarry/spoil – open mosaic of habitats with heathland*) and in response to consultation, Gwynedd Council Biodiversity officers confirmed that it is unlikely that species are likely to be impacted by this proposal given that the area proposed for extraction does not appear to be vegetated and therefore, no habitat within that part of the tip to be worked.

5.30 However, surrounding areas appear to be well vegetated, which are colonized by natural moorland species such as heather and grasses of high biodiversity value and should be retained. Gwynedd Biodiversity have no objection to the proposal but recommend a site specific restoration includes provision for the creation of habitats such as heathland and woodland with wildlife features such as ponds, reptile hibernation areas and resting places for otters.

5.31 In response to the restoration plan submitted by the applicant, the biodiversity section recommend that materials should be used in a way that will encourage plant growth and colonization, for example, the use of quarry fines, sediments, clay, will assist in the creation of soil and a substrate that will hold water. Further changes are suggested to the upland grassland/heathland and wet grassland seed mixes but also the planting of heather plugs and amendments to the schedule of shrub and tree planting to include species that are native to the area including wild cherry, birch, rowan and sessile oak. Monitoring is outlined under section 8.4, and it is recommended that a monitoring report is provided that includes photographs, maps of habitats and species lists with a strategy to control non-native invasive species such as rhododendron and buddleia.

5.32 With respect to potential impacts on local biodiversity, it can be concluded therefore that the development will not cause the loss of protected habitat, protected species. The restoration proposals include for biodiversity enhancement and the proposal therefore

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conforms to the requirements Policy AMG 3, AMG 5, AMG 6 & MWYN 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

Public Rights of Way

- 5.33 There are no public footpaths or rights of way are located within the boundary of the site and there is no requirement therefore to make any provision for specific protection.

Hydrology and Hydrogeology

- 5.34 It is not considered that this proposal will change the current position. The Oakeley Quarry complex extends over a substantial area on the south-eastern flank of Moel Dryman and Allt Fawr and is located within Flood Zone A on the Development Advice Maps, where there is little or no risk of fluvial or tidal flooding. The processing plant is at an elevation of 302m AOD with the tips reaching around 340m AOD. The majority of the bedrock underlying the site is comprised of mudstones, siltstones and sandstones with numerous igneous intrusions and designated as a Secondary B Aquifer.
- 5.35 Groundwater flow within the bedrock strata is likely to be limited to any sandstone horizons present and the application site is not located in a Groundwater Protection Zone. The operation of the plant and removal of material from the slate waste tips will continue in accordance with appropriate measures to mitigate the risk of accidents and spillages. The proposal therefore is unlikely to significantly impact groundwater quality at and within the vicinity of the application site.
- 5.36 In response to consultation, the Ffestiniog Town Council confirmed their support for the application on condition that no future development of the site has any further impact on very poor water quality of the Afon Barlwyd.
- 5.37 Currently, any surface water resulting from precipitation is collected, settled, and recycled via the in-situ discharge system whereby the site drains into the adjacent Oakeley quarry void for settlement prior to discharge into the Afon Barlwyd under the provisions of a discharge consent, which includes a limit on suspended solids. Compliance with this limitation is monitored on an ongoing basis in accordance with the operator's Environmental Management System and there have been no comments or concerns relating to drainage or flood risk in response to consultation with Natural Resources Wales or Gwynedd Flood Risk and Land Drainage Unit.
- 5.38 The site is also subject to a separate operating consent under the Environmental Permitting Regulations and in terms of the control of surface water flows and prevention of pollution, the current best management practices and compliance with the surface water discharge consent conform to the requirements of Policy PCYFF 6 Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.

Sustainability matters

- 5.39 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" and; "acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs". Furthermore, this report has assessed the sustainability issues of this application in accordance with

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the goal of sustainable development 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.

- 5.40 As Mineral Planning Authority, the Council has a duty to ensure that mineral resources are exploited in a sustainable way so that they can make an appropriate contribution to the area’s construction materials requirements. Gwynedd has a long history of mineral extraction and it remains an important facet of its economic and social make up. There are extensive deposits of a variety of materials suitable for exploitation in North Wales, particularly igneous rock, sand & gravel and limestone. Slate workings in Gwynedd are widespread and have traditionally been associated with the production of high quality roofing material. More recently its application has ventured into architectural sawn slabs, decorative building materials as well as the use of slate waste as a secondary aggregate to substitute traditional primary resources.
- 5.41 This application seeks to secure the continuation of an existing, permitted scheme of working where known reserves of quality slates exist, as opposed to prospecting for material in new sites or recommencement of long-dormant mineral sites.

The Economy

- 5.42 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 to guide economic development to the most appropriate locations, rather than prevent or discourage such development.
- 5.43 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 9 full-time workers/direct personnel.
- 5.44 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.

The Welsh Language

- 5.45 Planning Policy Wales addresses the importance of the Welsh language in delivering its sustainability objectives to improve the social, economic, environmental and cultural well-being of Wales. In paragraph 3.25 it states that “*the Welsh language is part of the social and cultural fabric and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential*

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to the Welsh language and in so doing contribute to its, use and the Thriving Welsh Language well-being goal.”

- 5.46 A Language Statement has been submitted with the application in accordance with Policy PS1 of the Local Development Plan and relevant Planning guidance; 'Sustaining Distinctive and Sustainable Communities 2019'. Policy PS 1 (Welsh Language and Culture) and Policy PS 5 (Sustainable Development) seek to promote and support the use of Welsh in the Plan area and to help support and enhance the conditions that ensure prosperous sustainable communities. The language statement assesses the impact of the proposed development on communities and identifies measures that will either mitigate negative impacts or protect / enhance / spread positive effects.
- 5.47 This application will secure the continuation of an existing operation where the existing workforce is already sourced from within a 10km radius of the site. A substantial number, including senior management, have a range of abilities in the Welsh language, including the ability to speak Welsh and therefore the development is likely to retain Welsh speakers in the local community who will use the language in the workplace. Whilst the development could provide employment opportunities locally, there is no immediate requirement to recruit. The proposal will therefore maintain the current status quo where there would be no inward migration of workers to the area.
- 5.48 The proposal will maintain employment opportunities locally and it is anticipated that the development will have a minor positive impact on the Welsh language in the community. Similarly, no pressure would be placed on local services. Overall therefore, the Welsh Language Statement concludes that in respect of the continuation of an established business, no further mitigation is considered necessary to promote or enhance the use of the Welsh language.
- 5.49 The language consultant noted that the application seeks to continue the operation of an existing business and the proposal does not represent any changes thereto which currently employs 9 full time staff including a high percentage of Welsh speakers. The business uses local suppliers where possible which maintains the current position concerning employment opportunities and the language consultant therefore agrees with the impact assessment submitted with the application. It is considered that the development complies with policy PS 1 and PS 5 of the Gwynedd and Anglesey Joint Local Development Plan 2011 – 2026, but it is consultation response further suggests that a note to applicant on the decision notice should encourage the site operator to provide bilingual signage where possible in order to improve the bilingual image of the company.

6. Conclusions:

- 6.1 This is one of three planning applications to amend the provisions of extant planning permissions in order to extend the duration of the minerals operation and secure the continued operation of the minerals plant. This proposal seeks to vary condition 1 on planning permission C03M/0010/03/MW so as to allow the continued operation of the minerals processing plant for an additional 20 years.
- 6.2 The supply of material for the processing plant is not entirely dependent on the remaining reserve of mineral held within the slate tip, which is which is anticipated to last for approximately 5 more years. Notwithstanding, it is likely that the minerals plant would be used for the full 20-year term of the planning permission. Whilst it is agreed that the plant is not prominent in any of the viewpoints or out of scale or context within the quarry workings in which it is situated, the report does identify the blue chimney and hopper as a marker for most of the visual receptors.

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- 6.3 A proposal for the continued operation of the plant site needs to be assessed against planning policy criteria and the authority consulted on this application to ascertain the potential impacts of the development. The submission covers the material planning considerations in assessing the impact of the proposed development.
- 6.4 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 or candidate World Heritage Site. 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.
- 6.5 A restoration scheme to include for the treatment of the exposed ground, upon cessation of operations and the removal/demolition of the processing plant and associated buildings/structures, is consistent with that proposed in the Environmental Assessment submitted with the approved scheme and plans of the Oakeley Planning Permission C00M/0011/03/MW. The key objectives of the scheme will therefore integrate/assimilate the site into its surroundings; enhance biodiversity and reinforce landscape pattern and complement the objectives outlined in local landscape character assessments.
- 6.6 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. 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.
- 6.7 There are no significant archaeological implications to the continued operation of the plant site and it is considered therefore that the proposal will not have a significant impact on the Ffestiniog Historic Landscape or setting of the Candidate World Heritage Site. The proposal therefore complies with Policy AMG 3, PS 20, AT 1 & AT 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.
- 6.8 It is considered that the site can operate without undue nuisance to the amenities of the area under the terms of existing conditions for the reception, processing and dispatch of slate. In mitigation for the potential environmental impacts of the development, the relevant noise and air quality conditions be duplicated to include a requirement for annual monitoring. It is considered therefore that the development conforms to policy PCYFF 2, MWYN 3 & MWYN 5 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.
- 6.9 There have been no comments or concerns relating to drainage or flood risk in response to consultation with Natural Resources Wales or Gwynedd Flood Risk and Land Drainage Unit and it is considered therefore that the proposal will not have a detrimental impact on the local water environment (POLICY PCYFF 6). Issues that would otherwise be subject to a separate discharge consent or Environmental Permit

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have been listed in this report and 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.

- 6.10 It is not considered that the proposal will have a detrimental impact on local biodiversity under Policy AMG 5 and there is an opportunity to enhance such assets in the scheme of restoration.
- 6.11 The development will not have an adverse effect on any highway, or proposed highway. The proposal therefore complies with TRA 4 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.
- 6.12 The development will have a minor positive impact on the Welsh language and it is considered therefore that the development complies with policy PS 1 and PS 5 of the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026.
- 6.13 The proposal satisfies the sustainability goals of Planning Policy Wales and The Well-being of Future Generations Act (Wales) 2015.
- 7. To delegate powers to the Assistant Head of Department to approve the application, subject to the following amendment to Condition 1 of planning permission C03M/0010/03/MW to allow the continued operation of the slate processing plant:**
- 7.1 *Permission is hereby granted for a limited period up to 31st January 2040, by the expiry of which period all buildings, plant, machinery and equipment shall have been removed and the site thereafter restored in accordance with the scheme of restoration received on the – March 2020.*
- 7.2 Development shall be subject to the same schedule of conditions under the previous grant of planning permission C03M/0010/03/MW to control noise, dust, vibration, protection of the water environment, hours of operation, output, compliance with the application plans, review of operations and restoration but specifically;
- Limiting daytime noise level to 50db
 - Limiting night-time noise level to 40db
 - Shut down of primary crusher overnight
 - All doors/shutters to be kept closed overnight
 - No restarting of plant after 22.00 hours (if the plant were to break down overnight it will not be restarted until the following day)
 - The external crusher shall not be operated between 07.00 hours & 22.00 hours
 - No lorries shall be loaded outside 07.00 hours & 22.00 hours
 - Overnight finished product shall be stored in the main building until the following day
- 7.3 Note to applicant with the statutory advice of Network Rail and Natural Resources Wales appended to the decision notice.
Note to applicant to encourage the site operator to provide bilingual signage where possible in order to improve the bilingual image of the company.