

PLANNING COMMITTEE	DATE: 01/03/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 5

Application Number: C20/0979/03/RA

Date Registered: 02/12/2020

Application Type: Removal/Variation of condition (s)

Community: Bowydd & Rhiw

Ward: Ffestiniog

Proposal: Application under S.73 to remove condition 2 (time limit) & vary to condition 3 (updated plans for the removal of material, restoration and aftercare of the site) on planning permission C99M/0105/03/MW for The Removal of Material from a mineral-working deposit

Location: Spoil Heap 557m From Quarry Tours Ltd, Llechwedd Slate Caverns 115m From Unnamed Road Bodafon, Blaenau Ffestiniog, LL41 3NB

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application to extend the lifespan of a minerals operations involving the removal and processing of material from the Maenofferen mineral working deposit which occupies approximately 8.3 hectares of operational land at Llechwedd Quarry. The application includes a phased scheme of restoration and based upon current output levels, it is estimated that approximately 3.4 million tonnes of slate will secure a reserve of workable material for up to 40 years.
- 1.2 It forms part of the larger expanse of the Llechwedd workings, located to the north of Blaenau Ffestiniog and to the east of the A470 Trunk Road, extending northwards towards Moel Bowydd and Ffridd y Bwlch. Extraction will continue to progress northwards by constructing a series of benches in the Tip face with the material transported for processing within the levelled yard established at the base. Any slate blocks which are large enough and of suitable quality for the production of architectural and ornamental products are taken to the sawing sheds. Stockpiles of the processed aggregates are located around the perimeter of the processing area together with the residual element of the processing operations, a silty slate fines to dust material, stored and used as restoration medium.
- 1.3 It is acknowledged that since the decline of roofing slate production at the site, tipping requirements have steadily decreased and in response to the imposition of the aggregates levy on primary materials, there has been increased demand for secondary slate aggregates. The tip has been worked substantially since the grant of the permission in 1999 and the demand for decorative slate products and general slate aggregate has grown considerably since establishing Northern Welsh Quarries Ltd approximately 5 years ago. Essentially, the operation aims to maximise the yield of the slate resource in order to reduce wastage and to market a range of slate products including added value decorative aggregate, sub-base and general fill material, cladding and walling stone but also, further plans to manufacture slate concrete 'lego' blocks using some of the residual slate fines.
- 1.4 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 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 is not required.

2. Relevant Policies:

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

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2015 Act, and in making the recommendation the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed determination.

2.3 Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026

Strategic Policy PS 1: Welsh Language and Culture

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

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

2.4 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)

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- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 11: Noise (October 1997)
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 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 Mineral development at Llechwedd is being carried out largely under the terms of planning permission 5/14/521 granted on 20 November 1997, to rationalize and extend the surface, mining and slate-tipping operations. Underground working at this site ceased some 17 years ago and it is highly unlikely that the operating company would wish to resume such operations in the future.
- 3.2 C98M/0029/03/MW - Approval of work plan and schedule of conditions under initial review of the Environment Act 1995, 'Phase 1' site on 26th July 2011, to include the following consents;
- 1108/9/5 dated 30 September 1950, Fotty & Bowydd,
 - FFES.U / 21 (1108/9/6) dated 11 October 1951, Maenofferen,
 - FFES.U / 20 dated 1 March 1953, Llechwedd,
- The only mineral development now associated with the review application is the tipping rights that are not covered by the '1997' permission
- 3.3 Planning Permission C17/0102/03/LL - Application for a waste transfer station to accept and process inert materials – Granted subject to conditions 13 April 2017
- 3.4 Planning Permission C99M/0105/03/MW - Removal of Material from a Mineral Working Deposit – Granted subject to conditions 16th November 1999
- 3.5 C04M/0240/03/CR – Installation of new turbine within existing powerhouse – Granted subject to conditions 29th March 2005
- 3.6 C12/1166/03/LL - Llechwedd, Blaenau Ffest. - Zip wire course - Application withdrawn November 2012
- 3.7 C13/0674/03/LL - Creation of upper level zip wire course and change of use of building for reception and visitor center together with associated parking – Granted subject to conditions 14 November 2013

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4. Consultations:

Ffestiniog Town Council: No Response

Welsh Government
Transportation: No Response

Gwynedd Public Protection: No Response

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:

1st Consultation

The application includes a map showing the area to be restored, but there are no details of what kind of restoration

2nd Consultation (Restoration Details)

Comprehensive restoration report, tip is surrounded by three candidate Wildlife Sites,

- Llechwedd / Maen-offeren Slate Quarries1414
- Carreg Ddu 1404
- Moel Penammen1401

Unlikely that the restoration proposals will not have any landtake within the Wildlife Sites, and should in the long term compliment and provide more connectivity in the landscape for wildlife. Features of high biodiversity value would serve to blend the restored tip to this environment, increasing connectivity and providing more corridors for wildlife.

Recommend the following itinerary of restoration measures to be implemented:

- A plan showing a map with the proposed restoration plots marked (and numbered) in the succession when they would be constructed,
- Planting trees and heather plants within trail plots,
- Invasive plant management plan & monitoring,
- More variation in the micro-topography of the site e.g. small dips, small patches of clay (if available from quarry works). South facing slopes benefit reptiles (when they are vegetated),
- Ideally the whole tip should be fenced to exclude grazing sheep, perhaps this can take place once works to tip have ceased,
- Avoid the use of hydroseeding.

Quarry Inspectorate:

No adverse comments to make on this application

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Natural Resources Wales:

1st Consultation

- Do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018)
- Note that there is no information about protected species with the application, and therefore NRW assume that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present. In addition to any species matters, we would also recommend that you refer the application to your ecological adviser in order to promote native species for any restoration plan, which would also minimise any potential landscape impact upon the Snowdonia National Park, which is 1.4 kilometres away.
- 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.

2nd Consultation (Restoration Details)

- The proposal lies approx. 1.4km from Snowdonia National Park, within the slate mining landscape north of Blaenau Ffestiniog. Whilst the proposed operations would continue for a further 30 years, in the context of highly distinctive landscape formed by slate mining and quarrying since the 1760s, the proposal is not considered to have adverse impacts on the National Park,
- From a landscape perspective, restoration to Upland Oakwood scrub/pioneer community including heathland/woodland edge scrub is considered appropriate. The restoration landform would create a valley landform approximately following the original profile, albeit without the original watercourse,
- The method of trial plots with different techniques of direct-seeding, followed by 5 years aftercare and monitoring as each sector is restored should allow the overall restoration scheme to be informed to achieve optimum restoration,
- The importance of suppressing/eradicating invasive species is recognised, including post-restoration survey and end hydroseeding if needed,
- Note that the long-term management objectives would be reassessed as each section progresses and advise that a long-term management plan for the site is required beyond the 5 years establishment maintenance of each section. Long-term management of the restoration proposals is mentioned and needs to be developed into a plan as the site progresses,
- NRW is concerned that the activity at this site may lead to suspended solids entering nearby watercourses. Construction work must be carried out in accordance with the NRW's standard conditions for work next to watercourses. The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 5 "Works and maintenance in or near water".

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Gwynedd Archaeological Planning Service: 1st Consultation

No comments, other than that no details of the proposed restoration plan appear to have been uploaded to Track and Trace, if it was intended that they should be part of the application and therefore do not have any comment to make on the proposed development.

2nd Consultation (Restoration Details)

No Response

Gwynedd Conservation Officer: No Response

Gwynedd Public Rights of Way: No Response

Gwynedd Flood and Coastal Erosion Risk Management Unit: No comments to make on drainage issues or flood risk

Gwynedd Council Language Consultant: No comments to make on this application

- Satisfied with the submitted assessment and no concerns about the impact on the Welsh language as the application is about continuing work and maintaining direct jobs (13 full time, all by Welsh speakers) and a number of chain posts in the area.

Public Consultation: A notice was placed at a location close to the site on the 8th December 2020 and neighbouring businesses were informed by letter. No letters of representation have been received in response to statutory publicity on the application.

Assessment of the material planning considerations:

5. The principle of the development

5.1 Planning Policy Wales (PPW) (Edition 10, December 2018) sets out the Assembly Government's planning policy in relation to mineral extraction. Each MPA should ensure that their development plans make allowances to contribute to the supply of minerals that meet local, regional and national needs. To this extent, development plan policies should contribute towards the maintenance of a landbank of permitted reserves.

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- 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 and Môn Joint Local 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 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 is currently the subject of a second review. The statement has been prepared in accordance with the provisions of Planning Policy (Wales) and Technical Advice Note (Wales) 1: Aggregates (MTAN1), to set out an overarching objective to ensure a sustainable managed supply of aggregates. The main purpose of the statement is to set out the strategy for the provision of the aggregates in the North Wales region.
- 5.4 The RTS review states; *“In North Wales, crushed slate, derived either from slate waste (as a by-product of roofing material production) or quarried specifically for use as primary aggregate, features significantly in the overall pattern of supply, especially in Gwynedd.* With the introduction of the aggregates levy in 2002, there has been an increased use of slate waste to substitute primary hard rock reserves.
- 5.5 PPW supports the use of recycled material where possible to place less pressure on primary resources. As such, it sees the need for the pattern of supply in Wales to change through the increased use of secondary materials. Therefore the principle of re-working slate tips is accepted as an alternative to proposals involving the winning and working of material from the virgin rock.
- 5.6 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 5, PS 22 & Policy MWYN 3 of the Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 to maximise the potential of the mineral resource. Having regard to current national policy for maintaining a landbank of mineral reserves in accordance with the guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement.
- 5.7 In addition to the principle of the need for the development, the essential planning issues in this case are addressed below;

Visual Amenities

- 5.8 Llechwedd quarry covers a substantial area of disturbed mineral workings to the north of Blaenau Ffestiniog and together with the Oakeley and Gloddfa quarries to the west, forms part of a more substantial legacy of slate workings and slate waste tips flanking both sides of the A470 trunk road. To the north of the quarry is Moel Bowydd, where the topography rises steeply to form an area of open upland moorland interspersed with areas of woodland plantation. The application site is located approximately 1,400m due south of the National Park boundary at its nearest point

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and entirely within the Llechwedd Quarry complex, which forms part of the Historic Landscape designation of Blaenau Ffestiniog.

- 5.9 The potential significance of landscape and visual impacts are determined by a combination of the magnitude of potential impact and the sensitivity of the landscape setting to change. The proposed development would cause direct impacts to the landscape of the application site which is unavoidable due to the nature of mineral extraction. The sensitivity of the surrounding landscape designations, residential areas and recreational receptors are all material factors.
- 5.10 The main visual receptors will be walkers using the public right of way No. 104 which ascends from Trefeini in Blaenau Ffestiniog, up to the southern toe of the tip and the tip processing area but also, public footpath No 103 to the north and other public rights of way within the Llechwedd quarry complex that climbs the hillside below the Zip World attraction and downhill mountain bike track. Possible visual and landscape impacts include a combination of site operations, vehicle movements, stockpile storage, screening mounds and exposed tip faces. It is not considered that there will be a material loss of landscape elements including landform and vegetation both during extraction and post restoration.
- 5.11 Whilst distant views may be possible from the higher upland areas (*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 as the Maenofferen tip is screened for the most part by the rising topography of the Votty and Bowydd workings and associated tips. This would include views from properties to the south along the A470 approach road to Blaeanu Ffestiniog.
- 5.12 It is considered that the visual and landscape impacts and 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, the degree of aesthetic and perceptual change should be assessed in the context of other workings within Llechwedd Quarry and the wider extent of the mineral landscape. The key characteristic of the landscape is its slate quarry appearance and this would not be substantially changed by the proposed development and the restoration proposals will provide a positive improvement in the landscape. In response to consultation, Natural Resources Wales confirm that whilst the proposed operations would continue for a further 30 years, in the context of a highly distinctive landscape formed by slate mining and quarrying since the 1760s, the proposal is not considered to have adverse impacts on the National Park.
- 5.13 The restoration and aftercare strategy confirms that the removal of tips would be subject to a phased scheme of extraction with potential for a more positive improvement for the long-term once the restored areas are blended into the surrounding hillsides and natural vegetation.
- 5.14 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 proposed restoration landform indicates a valley formation to roughly follow the original ground profile including the creation of small terraces to reduce the effects of attrition from surface water runoff on steeper slopes. As workings proceed northwards, the mobile plant and stockpiles will follow the toe of the working face, leaving areas available for progressive restoration. From a landscape perspective, Natural

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Resources Wales consider that restoration to Upland Oakwood scrub/pioneer community including heathland/woodland edge scrub is appropriate.

- 5.15 The site will be restored to a combination of Upland Oakwood scrub/pioneer woodland community including heathland/woodland edge shrubs which will act as a nurse community. In response to consultation, Gwynedd Biodiversity agree with the restoration proposals further stating that such habitats form part of the surrounding landscape and are of high biodiversity value which would serve to blend the restored tip to this environment, would increase connectivity and provide more corridors for wildlife.
- 5.16 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. A standard 5-year aftercare period will be established for each sector of the site as it is progressively restored. Annual aftercare meetings will be held with the operator, landowner and Mineral Planning Authority to discuss and record restoration activity over the previous year and agree a detailed programme for the following year.
- 5.17 Within the overall context of the existing Llechwedd Quarry site, the identified landscape and visual changes have a limited level of effect and extension of the timescale for the working of the tips would not result in any great levels of impact. It is considered therefore that the proposal is acceptable in principle in that the development is compliant with Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment and Policies AMG 3, AT 1, MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan 2011 – 2026.

Biodiversity

- 5.18 The existing operation has had no adverse impact on any identified protected species. The tip has been actively worked over many years and the site does not contain any designated sensitive habitats. Due consideration of policy AMG 5: Local Biodiversity Conservation has been given and the updated restoration profile has been designed and will provide improved opportunity for regeneration of the site.
- 5.19 All of the degraded mineral workings at Llechwedd and Maenofferen are designated as a local wildlife, selected for habitats of acid grassland, heathland, flushes, bog, oak woodland, streams, screes and rock outcrops. The restoration plan (December 2020) recommends that “ *the most viable long-term option is to create an Upland Oakwood scrub/pioneer woodland community including heathland/woodland edge shrubs*”. In response to consultation, Gwynedd Council Biodiversity officers confirmed that it is unlikely that the restoration proposals will not have any landtake within the Wildlife Sites, and should in the long term compliment and provide more connectivity in the landscape for wildlife. Features of high biodiversity value would serve to blend the restored tip to this environment, increasing connectivity and providing more corridors for wildlife.
- 5.20 The biodiversity section further recommends 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. Annual monitoring is recommended that includes photographs, maps of habitats and species lists with a strategy to control non-native invasive species such as rhododendron and buddleia. In addition, the use of

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fenced plots is welcomed because this will ensure that establishing plants will not be grazed by sheep.

5.21 However, whilst the plant mix put forward in the restoration plan is appropriate for the tip's location and for the habitats that are desired, the following recommendations and amendments suggested by Gwynedd Biodiversity should be included in an itinerary of restoration measures to be discussed in an annual review of restoration and aftercare for the site:

- A plan showing a map with the proposed restoration plots marked (and numbered) in the succession when they would be constructed,
- Planting trees and heather plants within trail plots using methods other than hydroseeding,
- Invasive plant management plan & monitoring,
- More variation in the micro-topography of the site e.g. small dips, small patches of clay (if available from quarry works). South facing slopes benefit reptiles (when they are vegetated),
- Ideally the whole tip should be fenced to exclude grazing sheep, perhaps this can take place once works to tip have ceased,

5.22 Natural Resources Wales agree with Gwynedd Biodiversity that in respect of 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 conforms to the requirements Policy AMG 3, AMG 5, AMG 6 & MWYN 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

Cultural Heritage

5.23 The extent of mineral working deposits associated with the slate workings at Llechwedd reflect the pressures on tipping space where well over 90% of the rock could not be worked commercially. The tip is extensive and comprises mainly of material quarried underground or waste material not considered suitable for processing into slabs or roofing slates. It served both the Votty and Diffwys Casson workings but the greater proportion of the waste material came from the main Maenofferen underground levels by means of the back vein incline and contour railway which also gave access to the Grade II Listed Hydro-electric Powerhouse located to the north of the tip by means of a bridge abutment.

5.24 There are no Scheduled Ancient Monuments within or adjoining the site although it is contained within the Register of Historic Landscapes. The site is not contained within the nominated property of the Candidate World Heritage Site bid (*The Slate Landscapes of North West Wales*). An Archaeological Survey was previously undertaken with the 1999 planning application C99M/0105/03/MW.

5.25 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.

5.26 Subject to implementing the appropriate level of recording as recommended in the original scheme of archaeological investigation which will be appended to the decision notice, the proposal complies with Policy AMG 3, PS 20, AT 1 & AT 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

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General and residential amenities

- 5.27 The proposal by its nature is similar to the type of activity that has been implemented on this 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. As stated in the introduction, the applicant removes and processes slate waste sourced from the Maenofferen mineral working deposit to produce slate aggregates and decorative materials. In respect of permitted operations at the site, there are few, if any, instances of complaint relating to the removal and processing of slate or the operation of plant and machinery. There have been no objections raised by residents in the immediate vicinity of the site in response to statutory publicity on this application. Residential receptors at Trefeini at 500m due south and Tal y Waenydd at approximately 1,300m due west are located outside the minimum distances as defined by MTAN 1: Aggregates and Policy MWYN 5 of the JLDP.
- 5.28 Mineral processing, including the crushing and screening of material takes place using specialist machinery 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. Any slate blocks which are large enough and of suitable quality for the production of architectural and ornamental products are taken to the sawing sheds.
- 5.29 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 removal and processing of slate. In mitigation for the potential environmental impacts of the development, the relevant noise and air quality conditions be duplicated. However, in consideration of the guidance provided in the Technical Advice Note MTAN1, the applicant has agreed to curtail the exiting operating hours from '06:30hrs - 20:00hrs' to '07.00hrs – 19.00hrs' in order to comply with daytime noise levels, subject to allowing some flexibility for essential maintenance, servicing, testing or emergencies outside of these hours as permitted under condition 4 of the current consent.
- 5.30 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

- 5.31 The quarrying operation shares a direct access to the A470 Trunk Road with the recreational/tourist attractions at Llechwedd.
- 5.32 There has been no response to consultation from Welsh Government Highways Department, but the authority is not aware of any issues concerning the transportation of slate product from this site and access onto the A470 Trunk Road. 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.

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Public Rights of Way

- 5.33 Public footpath No. 104 ascends from Trefeini in Blaenau Ffestiniog, through the Fotty workings and up around the southern toe of the tip processing area but also, public footpath No 103 skirts around the northern tip embankments. Both footpaths provide a link to Maenofferen Quarry and the Moel Bowydd upland moorland further east and have remained open during the course of development involving the removal and processing of the slate tip. It is not considered that the development will impact on the public rights of way and there are no proposals to divert. However, a note to applicant may be included with the decision notice to advise that the footpaths should remain open and to contact Gwynedd Public Rights of way should any issues arise.

Hydrology and Hydrogeology

- 5.34 The Tip is believed to occupy a former valley which included a water course (tributary of Afon Bowydd) that has been diverted around the north and west sides of the site. The water course has been culverted to supply a small reservoir beyond the northwest corner but also a hydroelectric power station located on the northern edge of the Tip which is housed in Grade II listed building.
- 5.35 It is not considered that this proposal will change the current position and there have been no comments or concerns relating to drainage or flood risk in response to consultation with Gwynedd Flood Risk and Land Drainage Unit. Natural Resources Wales advise that in addition to planning permission, it is the operator's responsibility to ensure they secure all other permits/consents/licences relevant to their development and to comply with the relevant guidance for works and maintenance in or near water. A copy of NRW'S consultation response will be appended to the decision notice as per normal practice with minerals applications.
- 5.36 The site is 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

- 5.37 This report has assessed the sustainability issues of this application and the goal of sustainable development in accordance with Planning Policy Wales and 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.
- 5.38 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. 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.

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5.39 The planning statement expands on the LDP visions and objectives with respect to meeting the needs of minerals locally and regionally in a sustainable manner. In view of the established nature of the existing business and the type of operation undertaken at the site, it is considered a sustainable form of development facilitating the reuse of readily available tip material at the site. This slate will continue to be used in an environmentally sympathetic manner through reuse and creation of a beneficial and viable product whilst having no adverse impact on the local natural or built environment.

5.40 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

5.41 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. 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.

5.42 With respect to the key strategic objectives for the area subject to this proposed application, the joint LDP promotes a vision that; *‘Blaenau Ffestiniog will be a good place to live, work in and visit. It will be well known for culture and art, strong community feeling and stunning landscape. The town’s businesses will be maintained and supported. It will be a quality centre for visitors, using its unique characteristics, including its proximity to the Snowdonia National Park, local outdoor activity opportunities and the rich slate heritage’*. The planning statement further expands on this vision by stating; *“It is important to understand that the proposal subject to this application relates to slate operations within this environment. It is an established and previously approved site activity that is seeking agreement to continue operations, thereby retaining a local business which provides economic benefit and employment within the local community”*. Furthermore, it has been demonstrated that the continuation of quarrying activities and the establishment of recreational and tourism attractions at Llechwedd may co-exist with a net result of a beneficial impact on the local economy.

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 13 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.

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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.
- 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.
- 5.47 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. Gwynedd contains the highest proportion of Welsh speakers in Wales (65.4% of people above the age of 3 can speak Welsh; the figure nationally across the whole of Wales is 19%). Compared to the 2001 Census, this has fallen slightly (by 5.2%) from 69%. Within the Bowydd a Rhiw Ward 78.2% of the population aged 3 and above can speak Welsh, which like the county, has fallen slightly from the 2001 Census (drop of 2.1% from 79.9%). As such, it can be seen that the proportion of the population that can speak Welsh within the ward is higher than the figure for the county as a whole. Allied to this, the decline in Welsh speakers in the Ward is not as great as within the county as a whole.
- 5.48 This application will secure the continuation of an existing operation where the existing workforce is already sourced locally. The entire workforce have 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.
- 5.49 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.
- 5.50 The language consultant is satisfied with the submitted assessment and has no concerns about the impact on the Welsh language as the application is about continuing work and maintaining direct jobs (13 full time, all by Welsh speakers) and a number of chain posts in the area.. 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 application is to amend the provisions of an extant planning permission in order to extend the duration of the minerals operation and to secure a viable and sympathetic scheme of restoration. This proposal seeks to vary condition 2 & 3 on planning permission C99M/0105/03/MW so as to allow the continued extraction of mineral from slate waste tips together with a phased scheme of restoration for an additional 40 years.

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- 6.2 A proposal for the removal of material from a mineral-working deposit 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.
- 6.3 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 National Park, 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.
- 6.4 Both Gwynedd Biodiversity and Natural Resources Wales are supportive of a restoration scheme to include for the treatment of the exposed ground, and/or remaining slate waste deposit to create an Upland Oakwood scrub/pioneer woodland community including heathland/woodland edge shrubs. The key objectives of the scheme will therefore integrate/assimilate the site into its surroundings; enhance biodiversity and reinforce landscape pattern.
- 6.5 PPW supports the use of recycled material where possible to place less pressure on primary resources. As such, it sees the need for the pattern of supply in Wales to change through the increased use of secondary materials. With respect to securing an alternative supply of material, the principle of secondary mineral extraction is acceptable and in terms of local need, the development complies with the sustainability criteria of Policy PS 22 of the Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026, having regard to current national policy for maintaining a landbank of mineral reserves in accordance with the guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement. In addition, the proposal is likely to make a positive contribution on the economy of the area in accordance with Strategic Policy PS 13 of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.
- 6.6 There are 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. 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.
- 6.7 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 removal and processing of slate. In mitigation for the potential environmental impacts of the development, the relevant noise and dust conditions be duplicated. 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.
- 6.8 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 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.
- 6.9 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.

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- 6.10 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.
- 6.11 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.
- 6.12 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 Conditions 2 & 3 of planning permission C99M/0105/03/MW to reflect the tonnage of mineral reserve available within the application area:**
- 7.1 *The extraction of mineral waste and ancillary operations shall cease by 31/12/2058. All plant, machinery, buildings structures and erections related to or sited as a consequence of this planning permission shall be removed by that date. Restoration of the site shall be completed by 31/12/2060.*
- 7.2 *Unless otherwise required by planning condition or agreed in writing by the local planning authority the development shall be carried out only in accordance with the application Drawings Ref. '19-404-D-002, 19-404-D-002' details and supporting information registered with the authority on 27th November 2020, Restoration and Aftercare Strategy registered on 29th December 2020, and the Planning Statement of Case registered on 21st January 2021 and such other details as may subsequently be approved in writing by the mineral planning authority.*
- 7.3 Development will be subject to the same schedule of conditions under the previous grant of planning permission C99M/0105/03/MW to control noise, dust and protection of the water environment. However, the schedule of conditions has been updated with the agreement of the applicant as follows;
- Hours of operation amended to 07.00hrs – 19.00hrs to reflect the daytime noise limitations in MTAN1,
 - Best practicable means and/or 'white noise' reversing alarms shall be fitted to mobile plant and vehicles used on site,
 - Proposed landform, and scheme of progressive restoration to favour Upland Oakwood scrub/pioneer woodland community including heathland/woodland edge shrubs in accordance with the submitted scheme of restoration and aftercare,
 - Review of operations to tie into the aftercare proposals and shall include provision for annual aftercare meetings to discuss restoration requirements and Invasive plant management plan & monitoring,
 - Archaeological work to follow the recommendations for appropriate recording as per original scheme of archaeological investigation which will be appended to the decision notice.

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7.4 Note to applicant to advise that public footpaths should remain open and to contact Gwynedd Public Rights of way should any issues arise.

7.5 Consultation response from Natural Resources Wales attached to the decision notice, advising that they should be contacted direct in respect of the specific environmental and operational controls and the provision of utility within their remit.