

PLANNING COMMITTEE	DATE: 12/04/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

**Number: 2**

**Application Number: C20/1063/22/AC**

**Date Registered: 22/12/20**

**Application Type: Renewals and Variations of Condition(s)**

**Community: Clynnog**

**Ward: Clynnog**

**Proposal: Application under Section 73 of the Town and Country Planning Act to vary condition 1 on planning permission C16/0816/34/MW (proposed eastern extension for the extraction of sand and gravel and progressive restoration) to allow a four-year extension for the completion of minerals operations and a further year for the completion of restoration**

**Location: Cefn Graianog, Llanllyfni, Caernarfon, LL54 6SY**

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

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## 1. Description:

- 1.1 This is an application to amend condition 1 on an existing planning permission, C16/0816/34/MW to extend the timescale for the winning and working of sand and gravel from the currently consented extension area for a further four years.
- 1.2 The application site is located on the eastern flank of the current extraction area, approximately 530m from the Llyn AONB to the west with the Eryri National Park approximately 1,500m to the south east. The entire quarry complex, including the processing facility, lagoons and restored historic workings extends to approximately 59 hectares, but essentially the current operation comprises of two main areas linked by an internal conveyor and roadway. The proposed extension amounts to 5.8ha and comprises of land which has been restored and the application proposes to re-visit these areas in order to re-work mineral that was previously considered uneconomical, but also to enable the scheme of extraction to access further deposits extending eastwards. The proposed extension area is made up of improved grassland with irregular stone wall field boundaries. The area is bordered by the existing working area to the west, the Lon Eifion cycleway to the east and area of rough, marshy grassland to the north.
- 1.3 The proposed extension area will comprise of two phases of extraction to release an additional 380,000 tonnes of sand and gravel which, based upon the current output of 90,000 tonnes per annum, would be extracted over a period of 4 years. The application plans seek to rationalise the phased sequence of extraction and restoration of the site in conjunction with the remaining operational land which is subject to the sister application, C20/1065/22/AC.
- 1.4 The working methods would be the same as currently employed at the quarry and would utilise the same excavators, conveyors and other mobile plant as existing. The sequence of operations will be subject to the same conditions as existing covering amongst other requirements, hours of operation, noise, ecology, dust, agricultural husbandry and archaeological recording/mitigation in advance of extraction. The proposed scheme of restoration and aftercare to agricultural use will continue as present for the most part, as the sequence of operations progress eastwards into the extension area. In addition, the proposal recognises that there is an opportunity to enhance nature conservation and biodiversity interests and a scheme of restoration has been configured accordingly.
- 1.5 The proposed development therefore does not fall within the description and criteria set out in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. However, the development does fall within the description of development set out in Paragraph 2 to Schedule 2 of the Regulations (*quarries, open cast mining and peat extraction*) & paragraph 13 (*any change to or extension of development ... where that development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse effects on the environment*). Having screened and assessed the proposal in accordance with the development criteria under Schedule 3, it is considered that the likely impact of the development on the environment is insufficient to justify the submission of an environmental impact assessment with the planning application.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Gwynedd & Môn Joint Local Development Plan 2011 - 2026.

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

### **2.3 Anglesey and Gwynedd Joint Local Development Plan 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 22: Minerals

POLICY AT 4: Protection of Non-Designated Archaeological Sites and Their Setting

POLICY AMG 1: Areas of Outstanding Natural Beauty Management Plans

POLICY AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the Local Landscape Character

POLICY AMG 5: Local Biodiversity Conservation

POLICY PCYFF 2: Development Criteria

POLICY PCYFF 6: Water Conservation

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 11 (February 2021),
- Future Wales - The National Plan 2040,
- Conservation of Habitats and Species Regulations 2017
- Technical Advice Note (Wales) 5: Nature Conservation and Planning (September 2009) Welsh Government
- Technical Advice Note (Wales) 11: Noise (October 1997) Welsh Government
- Technical Advice Note 20: Planning and the Welsh Language (October 2017) Welsh Government
- Technical Advice Note (Wales) 15: Development and Flood Risk

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- Technical Advice Note (Wales) 23: Economic Development (February 2014) Welsh Government
- Technical Advice Note (Wales) 24: The Historic Environment (May 2017) Welsh Government
- Welsh Government Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004) & North Wales Regional Technical Statement

### **3. Relevant Planning History:**

- 3.1 The site has a long history of sand and gravel extraction dating back to the earliest known planning permission granted in May 1958, with documented evidence of the workings supplying material for several large-scale civil engineering contracts in the area including the Dinorwic Power Station, Stwlan Dam and several local road improvement contracts. The following permissions are specific to the application area.
- 3.2 In recent years, the site has been operational under planning permission 2/14/16G granted on the 1st March 1996, which includes both the Cefn Graianog processing area and the extractive operations at Graianog Farm. A further permission, C00D/0005/34/MW granted under in May 2000 to vary conditions 1 & 2 of this consent to alter the sequence of extractive operations. This variation enabled the operation to blend various mineral types within the working face to meet production/sales requirements and to rationalise the sequence of progressive restoration.
- 3.3 **C10/0487/34/MW** - Application submitted with an Environmental Impact Assessment. Planning permission granted subject to conditions on 23<sup>rd</sup> August 2011 to vary conditions on an existing planning permission to extend the life of the quarrying operations up until 31 December 2020 and variation of a scheme of working under conditions 1&2 of planning permission 2/14/12G and C00D/0487/34/MW.
- 3.4 **C15/0299/34/MW** Granted subject to conditions on 22<sup>nd</sup> June 2015 – Construction of 3 ancillary silting lagoons and associated works to provide the necessary capacity to enable the ongoing working of mineral and the provision of a closed system for the control of quarry water on site.
- 3.5 **C16/0816/34/MW** – Granted subject to conditions on 18<sup>th</sup> November 2016 - Proposed eastern extension for the extraction of sand and gravel and progressive restoration.

### **4. Consultations:**

Clynnog Community Council: No Objection

Llanllyfni Community Council: No Objection

Welsh Government  
Transportation: Welsh Government as highway authority for the A487 trunk road does not wish to issue a direction in respect of this application.

Gwynedd Public Protection: No Response

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Gwynedd Highways &  
Transportation Unit:

No objection to the application for an extension of time.

Gwynedd Council AONB  
Manager:

The Cefn Graianog works site is near Bryncir and close to the AONB boundary. The work was set up decades ago to provide sand and gravel locally and regionally. There is effective restoration work on the site in recent years which reduces the impact on the landscape. Given that the eastern extension is time limited, and that there are no proposals to extend the site area, there are no concerns regarding the impact on the AONB.

Gwynedd Council Language  
Consultant:

No objection to the request for an extension of time from a linguistic point of view. It is considered that approving the application would have a neutral effect.

Gwynedd Archaeological  
Planning Service:

There are no archaeological concerns with the requested extension period.

Gwynedd Public Rights of  
Way:

No Response.

Gwynedd Flood and Coastal  
Erosion Risk Management  
Unit:

No comments with respect to land drainage or risk of flooding.

Welsh Water:

Acknowledge that the application (Ref: C20/1063/22/AC) does not entail proposals for a connection to the public sewer or water mains network and therefore offer no objection in principle to variation of condition 2 to allow an extension of time, subject to compliance with any drainage related conditions.

Eryri National Park:

No Response

Scottish Power:

No Response

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Gwynedd Biodiversity:

- Each of the extant 3 permissions (C10/0487/34/MW, C15/0299/34/LL, C16/0818/34/MW) were assessed for likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 when they were determined. None of these three permission was considered likely to have a significant effect on the conservation features of the Corsydd Eifionydd SAC and CCW/NRW were in agreement with these assessments. There is no change to the current permissions, therefore the pervious assessments for likely significant effect remain the same and the proposal to extend the time of these permission is unlikely to have significant effect on the Corsydd Eifionydd SAC.
- In summary, the continuation of the current works at Cefn Graiangog will not effect Corsydd Eifionydd SAC for the following reasons:
  - The quarry and associated works is not within the SAC or nor is it within similar habitat that is contiguous with the Cors Cyfelog. Therefore no landtake within the SAC or loss of habitat associated with the bog.
  - The hydrology of the bog will not be altered.
  - A closed loop lagoon system within the quarry has been constructed to ensure that no pollution will enter the bog.
- Recommend that the restoration plans for the quarry, lagoons and processing areas seek to create habitats of high biodiversity value such as rush pasture (sharp-flowered rush & purple moor-grass) and wild flower meadow and small pool & scrapes. Microhabitats such as small scrapes and small pools and patches of scrub, assist in creating more diversity for wildlife in particular invertebrates. Rushes and tall grass provide cover for small mammals and reptiles. Would like to see more detail on all restoration plans, such as plans showing microhabitat features (scrapes, pools, scrub, dry stone walls etc.) with species lists for planting (shrubs & trees) and wild flowers for seed mixes.
- Recommend that sand martin nesting feature such as a high sand or earth bank be created.
- Non-native plant species that are listed under schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and it is an offence to cause them to grow in the wild. The whole quarry site should be monitored regularly for non-native invasive plant species such as Japanese knotweed, Himalayan balsam and Buddleia. Each year the quarry site should be surveyed for these plants and a map showing their location and estimated amount should be provided to the LPA. These species should be removed in the appropriate way.

Quarry Inspectorate:

No adverse comments to make relating to the application for an extension of time granted to extract and restore the quarry

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Natural Resources Wales: 1<sup>st</sup> Consultation

No objections to the application, but have the following comments;

- From the information provided, NRW consider that the proposals may affect the Corsydd Eifionydd Special Area of Conservation (SAC), Cors Gyfelog Site of Special Scientific Interest (SSSI), and Cors Gyfelog National Nature Reserve (NNR), potential impact of pollution pathways to features of this site. Pathways may not result in an adverse effect if pollution prevention measures are adhered to/ implemented.
- No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.
- Recommend that you consult your ecologist on any possible enhancement opportunities and landscaping proposal,
- We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.
- Environmental Management; The applicant is advised to follow the guidance within Guidance for Pollution Prevention 5 "Works and maintenance in or near water":

2<sup>nd</sup> Consultation (HRA Assessment)

- Agree with Gwynedd in its assessment as competent authority under Regulation 63 of the Habitats and Species Regulations 2017 that a proposal to extend is unlikely to have significant effect on the Corsydd Eifionydd SAC.

Welsh Government Soils Policy and Agricultural Land Use: No Response

Gwynedd Countryside and Access: No Response

Sustrans: No Response

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Public Consultation: A notice was placed at a location close to the site on the 7<sup>th</sup> January 2021 and neighbouring residents were informed by letter. A notice appeared in the local press on the 20<sup>th</sup> January 2021 and 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 11, February 2021) 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.
- 5.2 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 the Minerals Planning Policy (Wales) and Technical Advice Note (Wales) 1: Aggregates (MTAN1), to set out an overarching objective to ensure a sustainable managed supply of aggregates; “ ... so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance”. The main purpose of the Regional Technical Statement is to set out the strategy for the provision of the aggregates in the North Wales region.
- 5.3 It assesses the environmental capacity of each authority to contribute to an adequate supply of primary aggregates. The Council, as Mineral Planning Authority, is required to maintain a landbank of permitted reserves of aggregate minerals with current guidance stating a minimum of 7 years for sand and gravel. Since the publication of the first RTS Review, the overall level of permitted aggregates reserves in North Wales has diminished.
- 5.4 The apportionment for sand and gravel for Gwynedd following the Second RTS Review has been calculated at 3,834 million tonnes. The reserves of sand and gravel are currently 1.175 million tonnes, inclusive of workings at Llecheiddior Uchaf, Penygroes and the current extension at Graianog. These reserves are insufficient to provide the full 7-year landbank at the end of the plan period. The RTS recognises therefore, that there is a shortfall of sand and gravel for which new allocations in Gwynedd totalling a **minimum 2.659** million tonnes will need to be identified in the forthcoming review of the Joint Local Development Plan. This figure takes into account the permitted reserves of sand and gravel that may be offset against the apportionment requirements. Although a reserve of 380,000 tonnes will have little impact in terms of meeting the authority's apportionment requirements, the proposal is nonetheless a welcome addition to landbank of sand and gravel in north-west wales.
- 5.5 Amongst other objectives, Planning Policy Wales recognises that mineral working is different from other forms of development in that extraction can only take place where the mineral is found to occur and that the development is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time. The material extracted at the quarry is used for direct building products, sea defence works, decorative cobbles but mainly to supply ready mixed concrete outlets throughout North West Wales including the National Park, Anglesey and parts of Conwy.
- 5.6 The continuation of sand and gravel extraction at Cefn Graianog will ensure that the Council can fulfil its apportionment obligations in the RTS, of supplying minerals for the North Wales sub-region and maintain a 7-year landbank of sand and gravel. There are few permitted reserves of



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sand and gravel in North West Wales and this proposal will secure an essential supply of sand and gravel for the local building economy. This will reduce the need to import materials from outside Gwynedd, thereby minimising costs and carbon emissions.

- 5.7 Although the site is located between AONB & National Park designations, there are no other landscape or environmental designations within or close to the application boundary. Subject to the consideration of all other material planning considerations, it is considered that the development complies with the requirements of Strategic Minerals Policy PS 22 & Policy MWYN 3 of the Anglesey and Gwynedd Joint Local Development Plan 2011 – having regard to current national policy for maintaining a landbank of mineral reserves in accordance with the guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement.
- 5.8 In addition to the principle of the need for the development, the essential planning issues in this case are addressed below;

### **Visual Amenities**

- 5.9 The application site will extend the footprint of the existing workings by 5.8ha in a phased sequence of operations. The extent of operational land, including the extraction area, processing site and lagoons measures in excess of 29 hectares and the development in combination with the parent permission for the winning and working of sand and gravel has the potential for cumulative impacts on views into and out of the Llyn AONB, Snowdonia National Park as well as the landscape character area in which the site is located. However, such impacts are temporary and will be mitigated by a restoration scheme to mixed grazing and nature conservation. The perimeter stone walls fronting Lon Eifion will remain undisturbed as part of the proposals, which will maintain a two metre buffer from the edge of the soils storage area, screening views of the quarry to users of the cycleway.
- 5.10 The progressive scheme of working from west to east, ensures that new areas are stripped and worked at the same time operational areas are restored to either improved pasture or wildlife habitat. The reinstatement of field boundaries recovered from the removal of existing stone walls is an integral component of the scheme of restoration which is an impressive feature of the existing quarry. These are features of historic significance within the local landscape as well as hibernation sites for reptiles, nesting sites for breeding birds and habitat for lichens.
- 5.11 The working of sand and gravel is relatively dynamic when compared with hard rock quarrying as reserves are commonly found under agricultural land and may be worked relatively quickly by means of an excavator. Consequently, the mineral planning authority requires progressive restoration to offset the loss of amenity and productive land to mitigate for the impacts of such working. To date worked out sites have been effectively reinstated to their original use, mainly agriculture, and now blend in with the surrounding landscape.
- 5.12 The landscape and visual impact assessment submitted as part of the development proposals for the parent permission, C16/0816/34/MW, includes an appraisal of the development including a selection of viewpoints and photomontages taken from vantage points from within landscape character areas within and around the site. The assessment makes an evaluation of the surrounding landscape in terms of the AONB, SNP as well as local impact.
- 5.13 The quarry is located entirely within the Central Llyn Landscape Character Area (LCA) which broadly relates to the central plateau above the 50m contour. The Nantlle landscape of outstanding historic interest is located approximately 1000m north east of the existing quarry and it is not considered that the proposal will impact on the nature and historic fabric of this landscape designation or the cultural significance of the slate quarrying areas. However, quarrying has and continues to impact upon the local landscape and there is a history of commercial exploitation of sand and gravel resources within the Central Llyn LCA for well over 60 years. The character area forms a buffer between the Llyn AONB to the west and Snowdonia National Park to the east and its key characteristics are defined in the Gwynedd SPG (Landscape Character November 2009)

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as;

- Generally homogenous area interspersed by prominent hills such as Mynydd Cennin and Y Foel and where landform is dominated by the impact of glacial deposits,
- Essentially agricultural in nature, having large forestry plantations such as Bwlch Derwin,
- Historic elements including prehistoric and medieval features, although they are often isolated within the larger extent of 19<sup>th</sup> Century enclosures.

- 5.14 The Landscape and Visual Impact Assessment confirms the surrounding area (Central Llyn LCA) of medium susceptibility due to the complex rural landscape including, historic and extant quarrying operations, pylons and the A487 Trunk road running through the centre of a saddle located between significant landscape designations but also the Corsydd Eifionydd SAC to the south. It is considered that the proposed extension will have an impact on local landscape but tempered by the implementation of a phased scheme of extraction and restoration. Given the surrounding highly sensitive landscape, the proposed extension has been assessed as having a moderately adverse significance of impact on local landscape character within the immediate vicinity of the site although such impacts diminish with distance from the site.
- 5.15 In recent years, the visual and landscape impacts of the workings have been greatly influenced by the progress of operations northwards. The working of the quarry face has opened up viewpoints to the north and from the Class 3 road (Ffordd Cae Duon) to the east of the A487. Similarly, the reduced height of the working face has mitigated for the landscape and visual impact of the operation when viewed from within the AONB, although the newly constructed lagoons and stocking area remain a prominent feature. In response to consultation, the AONB manager confirmed that; it is not considered that the proposal will have a negative impact on the AONB and there will be an improvement if the site is to be fully restored by 2019 in accordance with the submitted plans.
- 5.16 The visual and operational intrusion including the movement and operation of plant machinery increases significantly when viewed from areas in close proximity to the site. There is the possibility of intermittent views of the site from viewpoints to the south and further north along the cycle track although screened to some extent by vegetation and its siting within a cutting.
- 5.17 Any change from viewpoints within the National Park are considered marginal. As viewed from the property of Cwmbran, which is located some 350m up a track climbing eastwards from a point opposite the quarry access onto the A487, the processing plant and stockpile area remains the most visually prominent feature of the quarry. This assessment takes account of the fact that the screen of conifers to the south of Bodychain has been felled and which would otherwise have screened the proposed extension.
- 5.18 Within the overall context of the existing Quarry site, the identified landscape and visual changes have a limited level of effect and the extension of the timescale for the proposed quarry extension would not result in any great levels of visual 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**

- 5.19 The ecological assessment and mitigation proposals for the parent permission, C16/0816/34/MW included an extended Phase 1 Habitat Report which identified a range of flora and fauna within the site and surrounding area. For the most part, the application site comprises of improved and semi-improved neutral grassland with wet areas dominated by rush but also, historic features that may provide habitat such as, field boundaries and areas of stone clearance. An assessment to ascertain the presence of a range of protected species was undertaken with evidence of a disused

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Badger Sett within the application area. In addition, a detailed breeding bird and wintering bird survey had been carried out at specific times of the year together with a reptile survey.

- 5.20 In the determination of the application, a pre-commencement condition was imposed to request a plan of reasonable avoidance measures to ensure that reptiles and badgers will be protected during works which was formally discharged under reference C19/1171/34/AC on the 7<sup>th</sup> January 2020. An updated biodiversity assessment has been completed in order to support the extension of time application. The report considers all of the existing habitats present within the site and assesses whether there has been any change on these habitats since the previous ecological surveys were undertaken. The report confirms that the badger sett discovered in 2015 was disused with no further evidence of badger activity on site. Mitigation for reptiles confirms a qualified ecologist present during the removal of stone walls in advance of any soil stripping and/or mineral extraction. Any reptiles found by the ecologist are to be captured and immediately relocated to suitable receptor sites outside of the planned extraction area, but within the area of land under the control of the applicant.
- 5.21 The proposed extension area lies between two designated sites that form part of the Corsydd Eifionydd SAC, Cors Gyfelog 935 metres to the south and Cors Llanllyfni 1.5km to the north. In response to consultation on the tests of likely significant effects on the European designated site, NRW agree with Gwynedd Council's assessment, as Competent Authority, under Regulation 63 of the Habitats Regulations 2017 that the proposed extension is not considered likely to have a significant effect on the conservation features of the Corsydd Eifionydd SAC. NRW further recommend that the authority's biodiversity officer be consulted on any possible enhancement opportunities and landscaping proposal.
- 5.22 As already mentioned, the application area comprises improved pasture of low biodiversity value but stone walls forming the field enclosures could provide hibernation sites for reptiles, nesting sites for breeding birds and habitat for lichens as well as being features of historic significance within the local landscape. A condition imposed on any grant of permission requires that all materials derived from the demolition of existing stone walls be set aside for restoration of the same in areas to be agreed with the Mineral Planning Authority.
- 5.23 In response to consultation, Gwynedd Biodiversity confirmed that it would like to see restoration details to favour habitat of high biodiversity such as rush pasture or hay meadow to favour the grazing of livestock, reinstatement of stone walling, maintain a 4m strip along the boundary with the cycle track for hay meadow restoration. The area to the north is of high biodiversity value (*purple moor-grass and rush pasture with small patches of bog/fen and abundant devil's bit scabious*) and it should be ensured that the restoration proposals include similar ground levels as present to secure a flow of water northwards into the wetland habitat. In addition, the quarry site should be monitored regularly for non-native invasive plant species such as Japanese knotweed, Himalayan balsam and Buddleia.
- 5.24 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 nor alter the hydrology of the SAC. The restoration proposals include for biodiversity enhancement and the proposal therefore conforms to the requirements Strategic Policy PS 19 and Policy AMG 3, AMG 5, MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

### Hydrology

- 5.25 A body of water has occupied the northern face of the quarry workings for many years which comprises of surface water collected from restored and currently active areas. This feature is to be retained and extended in accordance with the restoration proposals indicated on the application plans and will be self-regulating with no outlet. The current arrangements do not appear to have impacted on the wetland feature to the north but it is likely that the diversion of surface water runoff from the proposed extension area may result in the potential loss of flow to a stream located to

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the north of the proposed extraction area. A series of springs located to the north of the application area emerge from superficial peat deposits and mineral extraction within the proposed quarry could potentially impact on their flows. In response to consultation on the parent permission C16/0816/34/MW, Natural Resources Wales requested further details on the mitigation measures proposed should any springs be affected by the quarrying activities. In the same manner, the concerns of Gwynedd biodiversity requested that positive gradients feature in the restoration contours to secure a flow of water northwards into the wetland feature and further recommend a condition to establish a baseline and scheme to be agreed with the mineral planning authority to monitor the flow of the spring to the north.

- 5.26 In accordance with the requirements of planning conditions, the applicant has provided further clarification on the mitigation to be applied including the monitoring of the stream on a monthly basis in order to record the natural variation in flows experienced at the springs, i.e. a baseline, prior to any mineral extraction within the extension area. NRW have accepted this as sufficient mitigation subject to condition requiring measures to be taken for the protection of watercourses, springs and wetland which emerge immediately north to the development area from potential damage by quarrying operations, with further measures to include:
- i) A photographic baseline prior to the commencement of development,
  - ii) Micro-adjustment of restoration levels in accordance with the approval of the Mineral Planning Authority to ensure a flow of surface water northwards,
  - ii) Scheme of monitoring as outlined in Appendix 1.
- 5.27 Condition 36 was formally discharged by letter on 7th January 2020, which included the approval of both Natural Resources Wales, Gwynedd Council Flood and Coastal Risk Management Unit but also the response of Gwynedd Council Biodiversity Unit who recommended that the Hydrological Monitoring Report include measurements of the depth and width of the channel with a description of the channel and a flow measurement to secure a flow of water northwards into the wetland habitat.
- 5.28 The site will require a separate operating consent from the Environment Agency under the Environmental Permitting Regulations but in addition, a micro-adjustment of the final restoration contours may be agreed at a later date if it can be substantiated that insufficient water flows into the wetland area to the north.
- 5.29 There have been no objections 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 listed in this report 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. The restoration proposals include for biodiversity enhancement and the proposal therefore conforms to the requirements Strategic Policy PS 19 and Policy AMG 3, AMG 5, MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

### **Cultural Heritage**

- 5.30 An archaeological survey and assessment was submitted as part of the original application in that the landscape is one that is known to be rich in archaeological remains, with a number of sites having been excavated close to the area of extraction. The programme of archaeological work at Graianog is ongoing and has yielded some interesting results.
- 5.31 The application area contains several archaeological sites recorded on the regional Historic Environment Record and identified as earthworks and stone-built features, possibly as the result of boulder clearance and the remains of huts or field enclosures. However, the trial trenching undertaken as part of the archaeological assessment reveals that although there was evidence of

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human activity in the form of field clearance, nothing was found to suggest occupation or industrial activity at the site.

- 5.32 Site field boundaries may be of medieval origin and the proposed quarry extension would involve the loss of these visible features, together with any buried archaeological deposits or structures. Gwynedd Archaeological Planning advised an appropriate programme of archaeological mitigation, including any necessary recording prior to development followed by careful investigation of upstanding features but also archaeological stripping of the site to identify and record buried deposits and post-excavation as appropriate to the results. Therefore, a pre-commencement condition requiring a programme of archaeological work was included on the grant of permission for undisturbed areas that have not already been the subject of mineral exploitation and restoration works.
- 5.33 The submitted report and evaluation of the site confirmed that whilst there are features of archaeological importance, a feature previously assumed to be a possible medieval homestead and associated field system, did not produce any evidence of domestic activity. The site is likely to be the result of successive episodes of field clearance at the junction of several boundaries. Other features could be present below the later dumping.
- 5.34 The response of the Development Control Archaeologist confirmed that the specification for archaeological work met with the approval of the Archaeological Planning Service (GAPS) and the respective Condition 37, was formally discharged on 19<sup>th</sup> December 2019. However, additional comments submitted by GAPS maintain that in respect of Condition 38, there remains a requirement for the submission of a report on archaeological fieldwork for the two respective phases of development.
- 5.35 It is considered that the archaeological assessment provides the scope for further archaeological work and mitigation for the potential archaeological and cultural heritage impacts of the development and complies with the requirements of Policy AT 4 of the Gwynedd and Môn Joint Local Development Plan 2011 – 2026, (*protection of non-designated archaeological sites and their setting*).

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

- 5.36 The proposed extension by its nature is similar to the extraction methods and movement of machinery implemented at the site for many years and which has been the subject of environmental controls through planning conditions, or via Environmental Permits.
- 5.37 Both Minerals Planning Policy Wales and MTAN1: Aggregates have established the principle of buffer zones around mineral extraction sites, where the objective is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Sensitive development is defined in MTAN1 as; “*any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity is expected*”. A buffer zone is defined from the outer edge of the operational area, including site haul roads and lagoons. MTAN1 recommends a minimum distance of 100 metres for sand and gravel operations and others where no blasting is permitted. There are no sensitive properties located within a 100m buffer zone as prescribed under policy MWYN 5 of the Gwynedd and Môn LDP.
- 5.38 Mitigation proposed in the application confirms the continuation of the current regime involving a phased scheme of extraction and restoration to minimise the amount of land taken out of agricultural use at any given time. The sequence of operations will progress from west to east, to ensure that plant machinery can operate behind the working face as it advances towards the adjacent cycleway. In addition to the screen provided by the quarry workings, a soil bund will be formed along the eastern boundary of the site to act as a buffer between the quarry and users of Lon Eifion. A similar strategy already implemented on the western flank of the workings where a tree belt has established in accordance with conditions attached to a previous grant of permission.

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- 5.39 The application proposes the same working conditions as present, including the control of noise, dust & working hours and there are few instances of complaint received by the planning authority. The loading of the feed hopper and conveyor remains the most intrusive noise source at the working face as plant machinery operates in an elevated position to the surrounding ground level. White noise alarms are fitted to plant machinery to minimise disturbance.
- 5.40 It is considered therefore that subject to appropriate conditions to control the impacts of noise and dust and working hours the proposal will not have a detrimental impact on the amenities of the area and therefore conforms to policy PCYFF 2, MWYN 3 & MWYN 5 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

#### **Traffic and access matters**

- 5.41 The application details confirms that the quarry exports an average of 90,000 tonnes per annum and the proposed extension would secure a supply of material up to December 2024. In response to consultation, Gwynedd Highways and Transportation department confirmed that they had no objection to the proposal.
- 5.42 The access onto the A487 Trunk Road is of an acceptable standard and traffic will gain access to the site via a short section of Unclassified Road In response to consultation, the Welsh Government highway authority confirmed that it did not intend to issue a direction in respect of this application.
- 5.43 It is considered therefore that the existing road network is of sufficient standard to deal with the flow of traffic expected from the site the development is therefore compliant with Policy TRA 4 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

#### **Public Rights of Way**

- 5.44 There are no public footpaths or rights of way affected by the proposal and there is no requirement therefore to make any provision for specific stopping-up or diversion. However, the site is located adjacent to the Lon Eifion cycle route.
- 5.45 Subject to appropriate conditions to secure that soil storage heaps provide a sufficient buffer between the workings and the boundary wall fronting the Lon Eifion cycleway, the proposal complies with the requirements of PCYFF 2 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

#### **Sustainability matters**

- 5.46 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.
- 5.47 As Mineral Planning Authority, the Council has a duty to ensure that mineral resources are worked 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. This application seeks to secure the continued operation of a facility to support the extraction of a permitted reserve of mineral where known deposits of sand and gravel exist.

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## **The Economy**

- 5.48 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.
- 5.49 The development proposes an extension of time to win and work sand and gravel and will therefore help maintain full time jobs for site staff employed directly and indirectly as a result of the quarry operations. Furthermore, sand and gravel is essential for the local building economy and a local source keeps costs as well as carbon emissions down.
- 5.50 The proposal will will help maintain 13 full time jobs for site staff employed directly and indirectly as a result of the existing operations at Graianog, Porth Penrhyn & Llandygai Industrial Estate. 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.
- 5.51 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 Gwynedd & Môn Joint Local Development Plan to providing opportunities for a flourishing economy as well as the Gwynedd Supplementary Planning Guidance, Planning and the Welsh Language November 2009.

## **The Welsh Language**

- 5.52 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.
- 5.53 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.
- 5.54 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 Llanllyfni Ward 75.5% 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.
- 5.55 This application will secure the continuation of an existing operation where the existing workforce is 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.

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5.56 The language consultant has no objection to the request for an extension of time from a linguistic point of view. It is considered that approving the application would have a neutral effect and the development therefore complies with policy PS 1 and PS 5 of the Gwynedd and Anglesey Joint Local Development Plan 2011 – 2026.

## **6. Conclusions:**

6.1 A proposal for an additional 4 years to complete the extraction and phased restoration of the quarry extension needs to be assessed against planning policy criteria and the authority has 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.

6.2 There is unlikely to be any apparent change in site working conditions or visual impact of the workings and the development will not detract from the positive features in the landscape or those elements that contribute to the distinctive character of the National Park, or Llyn Area of Outstanding Natural Beauty. The continuation of a phased scheme of extraction and restoration will mitigate the impact of the mineral workings on the setting of the National Park, Llyn AONB as well as local Landscape Character Areas in accordance with Policy PS 19, AMG 3, AT 1, MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan 2011 – 2026.

6.3 There are no overriding planning policy issues sufficient to warrant refusal of planning permission and issues relating to noise, dust & environmental controls are well established on this site with relatively few instances of complaint forwarded for the attention of the mineral planning authority. It is considered therefore that subject to appropriate conditions to control the impacts of noise and dust and working hours the proposal will not have a detrimental impact on the amenities of the area and therefore conforms to policy PCYFF 2, MWYN 3 & MWYN 5 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

6.4 The development is acceptable in principle and it would contribute to the landbank of sand and gravel reserves in Gwynedd and conforms to regional and local mineral planning policy requirements. It conforms to regional and local mineral planning policy requirements and 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.

6.5 The proposed extension area lies between two designated sites that form part of the Corsydd Eifionydd SAC, Cors Gyfelog 935 metres to the south and Cors Llanllyfni 1.5km to the north. In response to consultation on the tests of likely significant effects on the European designated site, NRW agree with Gwynedd Council's assessment, as Competent Authority, under Regulation 63 of the Habitats Regulations 2017 that the proposed extension is not considered likely to have a significant effect on the conservation features of the Corsydd Eifionydd SAC. The proposal therefore conforms to the requirements of Strategic Policy PS 19 and Policy AMG 3, AMG 5, PCYFF 6 & MWYN 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

6.6 There have been no objections 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). A condition on the original grant of planning permission has been discharged which requires measures to be taken for the protection of watercourses, springs



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and wetland which emerge immediately north to the development area from potential damage by quarrying operations.

- 6.7 There is a proven and successful scheme of agricultural restoration at Graianog Farm. In addition, both NRW and Gwynedd Biodiversity are supportive of proposals for rough grazing and biodiversity enhancement to include rush pasture or hay meadow to favour the grazing of livestock, reinstatement of stone walling, and securing a flow of water northwards into the wetland habitat. The proposal therefore conforms to the requirements of Strategic Policy PS 19 and Policy AMG 3, AMG 5, MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan 2011 – 2026. The key objectives of the scheme will therefore integrate/assimilate the site into its surroundings; enhance biodiversity and reinforce landscape pattern. A scheme of mitigation for reptiles during field boundary removal, no site clearance during the bird breeding season and measures to ascertain the presence of Badgers prior to the commencement of works have been formally discharged by condition on the original consent.
- 6.8 Gwynedd Archaeological Planning Service confirm that there are no archaeological concerns with the requested extension period. Conditions on the original grant of permission for archaeological mitigation & recording for previously undisturbed areas has been formally discharged. The proposal therefore complies with Policy AT 4 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.
- 6.9 The development will not have an adverse effect on any highway, or proposed highway. The quarry has direct access onto the A487 Trunk Road and in response to consultation, the Welsh Government highway authority confirmed that it did not intend to issue a direction in respect of this application. The proposal therefore complies with TRA 4 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.
- 6.10 The development will have a neutral 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.
- 6.11 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 C16/0816/34/MW so as to extend the lifespan of a minerals operations involving the operation of three ancillary silting lagoons and associated works for an additional 4 years:**
- Extraction of minerals shall cease by 31 December 2024 by which time all plant and machinery shall have been removed from the site; restoration shall be completed by 31 December 2025.*
- 7.1 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.
- 7.2 Planning conditions as existing in respect of the following regulatory controls;
- Duration of Working,
  - Restriction on Permitted Development Rights, buildings, structures, erections, private ways, floodlighting & fences,
  - Mitigation for potential impacts on springs to the north of the extraction area,
  - Mitigation for local biodiversity, Badgers, breeding birds & reptiles,

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- Permitted Operations & Compliance with the Submitted Details/Plans,
- Hours of Working,
- Safeguarding of public rights of way,
- Soil Handling & husbandry
- Drainage, measures to prevent the pollution of local watercourses,
- Restoration to mixed agricultural nature conservation use,
- Reinstatement of field boundaries,
- Micro-adjustment of restoration levels to ensure a flow of water into the wetland north of the application area,
- Archaeological mitigation and recording,
- Aftercare measures for agricultural use & biodiversity management,
- Dust controls & noise limitations the same as existing but also, plant machinery at the working face to be fitted with white noise alarms.