

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

**Number: 3**

**Application Number: C20/1064/22/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 2 on planning permission C15/0299/34/MW (construction of 3 ancillary silting lagoons and sociated 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) to allow a four-year extension for the use of the lagoons in connection with the 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 Silt lagoons are an integral component of sand and gravel processing where the mineral is washed and processed to sort out varying grades of sand and gravel into product sizes. This is an application to amend condition 2 on an existing planning permission, C15/0299/34/MW, so as to extend the lifespan of the three ancillary silting lagoons and associated works for an additional 4 years to provide an additional 26,145m<sup>3</sup> of settling capacity for silt derived as a by-product from the processing of sand and gravel.
- 1.2 The site water management infrastructure was reviewed in 2015 as there was a requirement to dig silt out of the lagoons on a regular basis in order to provide the requisite settling capacity. The system has a tendency to overload during times of prolonged and consistent heavy rainfall with the potential for flash flooding to occur where surface water and surrounding land run-off combine with water from the existing silt water management lagoon, resulting in potential polluted run-off affecting the Cors Gyfelog SSSI and SAC. The principle purpose of the proposed lagoon development is to supplement the existing water management infrastructure by means of a closed system to prevent this from occurring. An extended lagoon capacity will mitigate for potential impacts on the local water environment and provide a self-contained water management system in conjunction with the existing infrastructure.
- 1.3 The site is located on the western flank of the processing and stockpiling area adjacent to the original lagoons and approximately 530m south east of the Llyn AONB. The area comprises of land previously worked for mineral extraction between the 1960's and 1980's under specific, time-limited permissions and GDO notifications.
- 1.4 The lagoons have been constructed by excavating material from restored land to form the batter slopes with any surplus overburdens and soils stored for restoration or the construction of bunds for containment purposes. The lagoons measure between 140m to 160m in length and 4-5m in depth incorporating 10m wide access strips for ease of maintenance. The design has also taken account of ground topography which slopes at a gentle gradient to the north of the plant site. Lagoons 1 & 2 generally run along contour lines with the third, most southerly lagoon, requiring outer bunding to support sufficient water for silting purposes.
- 1.5 Restoration proposals submitted with the application aim to further establish the biodiversity value of the site by returning the land to rough grazing with enhanced wildlife habitat including shallow water pools, stone walls and appropriate management to ensure that such habitats are given the opportunity to develop.
- 1.6 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.

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## **2. Relevant Policies:**

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

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

### **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 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

POLICY GWA 1: Provision of Waste Management and Recycling Infrastructure

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

Supplementary Planning Guidance – Landscape Character 2009

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## **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
- 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 sociated 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.

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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

Gwynedd Highways & Transportation Unit: No objection to the application for an extension of time to retain the lagoons.

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 there is a limited period of additional time involved with the settlement lagoons, 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.

CADW: No Objection

The impact of the silting lagoons on the settings of scheduled monuments has been previously considered and the extension of the

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period of time for their use and the restoration of the land will not alter this impact.

Gwynedd Public Rights of  
Way:

No Response on this application but comments submitted on the sister application requested that footpaths 42 & 42A are looked after during and after this development.

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: C20/1064/22/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 previous 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.

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Quarry Inspectorate: No adverse comments to make on this application

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



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Gwynedd Countryside and Access: No Response

Sustrans: No Response

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.

Whilst no letters of objection have been received in response to statutory publicity on the application, comments submitted by a neighbouring land owner to the north west of the quarry highlight concerns about land drainage where there is increased incident of surface water run-off from the adjacent highway entering his property and scouring his access splay.

#### **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 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.
- 5.3 The proposal will supplement the infrastructure required for the continuation of sand and gravel extraction at Cefn Graianog which will ensure that the Council can fulfil its apportionment obligations of supplying minerals for the North Wales sub-region. There are few permitted reserves of sand and gravel in North West Wales and this proposal will secure that sufficient infrastructure is in place to secure the continued 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.
- 5.4 With respect to the need for the development, the proposal therefore does not constitute an extension to the authority's landbank of sand and gravel reserves, with regard to current national policy and guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement. The purpose of the application is to improve existing infrastructure and provide a facility

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that is ancillary to mining operations. The development is already subject to full restoration proposals and conditions attached to the parent permission and in this regard, the development conforms with policies MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan 2011 – 2026. Furthermore, it is not considered that the proposal to continue mineral operations at Cefn Graianog will compromise the safeguarding obligations for potential waste sites under policy GWA 1.

- 5.5 In addition to the principle of the need for the development, the essential planning issues in this case are addressed below;

### **Visual Amenities**

- 5.6 The development has extended the footprint of the existing workings by providing additional capacity to deal with 26,000m<sup>3</sup> of silt arisings from the mineral washing processes. The existing operational site including the processing site, lagoons and that which remains at the working face and transport corridor measures approximately 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. However, the magnitude of change is not considered significant in the context of the impact with the greater part of the Graianog workings and such impacts may be tempered to a degree by a limited period of working (4 additional years) and the phased scheme of extraction and restoration at the working face which is nearing completion. Also, restoration to mixed grazing and nature conservation is proposed in the parent permission, C15/0299/34/MW as well as the restoration concept for the existing lagoons and processing site under C10/0487/34/MW.
- 5.7 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.
- 5.8 It is recognised that varying techniques and methods of restoration may be sought and it is important for the success of the scheme that restoration objectives for both agricultural use and enhanced wildlife habitat are tailored specifically. The approved details set out a schedule of measures and scheme of aftercare for the restoration in part to agricultural use, including soil handling & placement, ripping and nutrient requirements. Information submitted in support of the original application demonstrates that sufficient material is available to achieve the restoration objectives. However, in addition to agricultural restoration, the scheme provides for also the treatment of any residual material (silt) and the creation of a landform that is capable of providing the optimum conditions for wildlife habitat.
- 5.9 Habitats and species surveys previously undertaken at the site have informed the restoration concept in the interests of conserving and enhancing the nature conservation resource of the area. Both NRW & Gwynedd Biodiversity are supportive of the restoration concept to retain the lagoons as freshwater open water bodies as well as rough grazing & wildlife habitat.
- 5.10 The application area slopes northwards away from the processing plant area and will be screened for the most part from viewpoints within the National Park by existing quarry infrastructure. Similarly, views of the application area from viewpoints within the AONB are partly obscured by

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trees and land topography and in response to consultation, the AONB Manager confirmed that there is effective restoration work on the site in recent years which reduces the impact on the landscape. Given that there is a limited period of additional time involved with the settlement lagoons, there are no concerns regarding the impact on the AONB.

- 5.11 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 operation of the water management system 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 & Hydrology**

- 5.12 The original water management system consisted of a water balancing pond and sump, fresh water and surface water catchment lagoon, a series of silt settlement lagoons, pipework, open drains and pumps. However, it had been previously documented that during periods of heavy rainfall, flash flooding could occur where overspill from existing lagoons combining with surface water and surrounding land runoff, thereby having the potential to pollute and impact on important habitats.
- 5.13 The principle purpose of the closed-loop lagoon system is to supplement the existing water management infrastructure to prevent this from occurring. The water management system has been specifically designed to ensure sufficient capacity to manage all quarry waters on site, i.e. as a self-contained system.
- 5.14 The development is located 224m east of the Afon Desach, with, the Cors Gyfelog SSSI and National Nature Reserve & Corsydd Eifionnydd SAC 87m South. The site operates under a separate consent from Natural Resources Wales under the Environmental Permitting Regulations in terms of controlling surface water flows and prevention of pollution measures. 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 an extension to the operation of the lagoon system was not considered likely to have a significant effect on the conservation features of the Corsydd Eifionnydd SAC. NRW further recommend that the authority's biodiversity officer be consulted on any possible enhancement opportunities and landscaping proposal
- 5.15 In response, Gwynedd Biodiversity confirmed that it would like to see more detail on restoration proposals, such as plans showing microhabitat features (scrapes, pools, scrub, dry stone walls, to assist in creating more diversity for wildlife in particular invertebrates with species lists for planting (shrubs & trees) and wild flowers for seed mixes, rushes and tall grass to provide cover for small mammals and reptiles. In addition, the quarry site should be monitored regularly for non-native invasive plant species such as Japanese knotweed, Himalayan balsam and Buddleia. In addition to the comments submitted by Gwynedd Biodiversity, the species list and detailed restoration proposals submitted with the sister application, C20/1065/22/AC, could be referred to under condition, as well as the requirement for annual aftercare meetings to monitor and assess the progress of restoration.
- 5.16 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

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Furthermore, Natural Resources Wales agree with Gwynedd Biodiversity that in respect of potential impacts on local biodiversity, it can be concluded 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 of Strategic Policy PS 19 and Policy AMG 3, AMG 5, PCYFF, MWYN 3 & MWYN 9 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

- 5.17 In respect of comments submitted by a neighbouring land owner concerning land drainage affecting his property, it has since been established that the problems encountered are not related to any part of the quarrying operation, including the closed loop water management system. The issues raised have been referred to Gwynedd Transportation to review their local highway drainage infrastructure.

### **Cultural Heritage**

- 5.18 Gwynedd Archaeological Planning Service confirm that there are no archaeological concerns with the requested extension period. Whilst the area of the lagoons falls within the 500m buffer of ancient monument CN098 'Graianog Standing Stone & Round Cairns', CADW confirm that they have no objection, given that the impact of the silting lagoons on the settings of scheduled monuments has been previously considered and the extension of the period of time for their use and the restoration of the land will not alter this impact. The proposal therefore complies with Policy AMG 3 & PS 20 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

### **General and residential amenities**

- 5.19 The proposal for additional lagoon capacity by its nature is similar to the type of infrastructure that has been operational on the site for many years and which has been the subject of environmental controls through planning conditions, or via Environmental Permits.
- 5.20 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 100 buffer zone as prescribed under policy MWYN 5 of the Joint Local Development Plan.
- 5.21 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.

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### **Traffic and access matters**

- 5.22 This is an application to extend the time for the continued operation of three additional silting lagoons and whilst it may influence the efficiency of production, there is no direct link to quarry output or supply and demand. It is considered therefore that the proposal will not have an adverse effect on any highway, or proposed highway and does not trigger any of the development criteria under Policy TRA 4 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

### **Public Rights of Way**

- 5.23 There are two public footpaths close to the site and there is no requirement to make any provision for specific stopping-up or diversion. In response to consultation, Gwynedd Council public rights of way officer commented that these footpaths should be protected during and after the development.
- 5.24 The development proposals are sited well clear of the two public rights of way where there is already provision for their protection under planning condition.

### **Sustainability matters**

- 5.25 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.
- 5.26 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.

### **The Economy**

- 5.27 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.
- 5.28 The development proposes additional quarry infrastructure to supplement the existing water management systems and will therefore help maintain full time jobs for site staff employed directly and indirectly with 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.

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- 5.29 The proposal 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.
- 5.30 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**

- 5.31 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.
- 5.32 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.
- 5.33 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.
- 5.34 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.
- 5.35 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 ancillary minerals development involving the continued operation of 3 additional silting lagoons needs to be assessed against planning policy criteria and the authority has consulted

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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. The application does not include proposals for an extension of quarry workings or an increase in output rather the provision of specific operational infrastructure to supplement the quarry water management systems and to mitigate for potential impacts on the local water environment.

- 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. 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 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.
- 6.3 The development is acceptable in principle and will have a positive impact on the economy, contributing to the infrastructure of primary sand and gravel reserves in Gwynedd. 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.
- 6.4 The development is located 224m east of the Afon Desach, but also, the Cors Gyfelog SSSI and National Nature Reserve & Corsydd Eifionnydd SAC 87m South. 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 an extension to the operation of the lagoon system was not considered likely to have a significant effect on the conservation features of the Corsydd Eifionnydd 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.
- 6.5 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.
- 6.6 Both NRW and Gwynedd Biodiversity are supportive of proposals for rough grazing and biodiversity enhancement which is based upon the findings of a habitat & species surveys undertaken within & around the site. The proposal therefore conforms to the requirements of Strategic Policy PS 19 and Policy AMG 3, AMG 5, PCYFF 6, MWYN 3 & MWYN 9 of the

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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.

6.7 Gwynedd Archaeological Planning Service confirm that there are no archaeological concerns with the requested extension period. Whilst the area of the lagoons falls within the 500m buffer of ancient monument CN098 ‘Graianog Standing Stone & Round Cairns’, CADW confirm that they have no objection, given that the impact of the silting lagoons on the settings of scheduled monuments has been previously considered. The proposal therefore complies with Policy AMG 3, PS 20, AT 1 & AT 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

6.8 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.

6.9 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.

6.10 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 2 of planning permission C15/0299/34/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:**

*The permitted use of the site as an ancillary silting lagoon shall cease by 31 December 2024; restoration shall be completed thereafter by 30 June 2025 or upon cessation of operations, whichever is the sooner.*

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,
- 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,
- Aftercare measures for agricultural use & biodiversity management,



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- Dust controls & noise limitations the same as existing.