

PLANNING COMMITTEE	DATE: 07/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 4

Application Number: C22/0327/16/AC

Date Registered: 08/04/2022

Application Type: Variation of Condition

Community: Llandygai

Ward: Tregarth and Mynydd Llandygai

Proposal: Application under Section 73 to vary condition 1 and 3 of planning permission C16/1164/16/MW (Application under the Environment Act 1995 for the determination of conditions under periodic review) so as to extend the time for winning and working of material to 2035, extend time to restore site to 2037 and amend drawings so as to accommodate a proposed extension to extraction area

Location: Breedon, Penrhyn Quarry, Bethesda, LL57 4YG

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application under Section 73 of the Planning Act 1990 to vary conditions 1 and 3 of planning permission C16/1164/16/MW (a Review of Old Mineral Permissions under Environment Act 1995 (ROMP)) so as to extend the duration of slate extraction and ancillary operations by three years, provide extended time to restore the site and amend drawings so as to accommodate a proposed extension to the extraction area.
- 1.2 This application site is located to the south of the town of Bethesda, with Eryri National Park immediately to the south and with vehicular access gained along a private road that leads from the B4409 Class 2 Public Highway at Pont y Tŵr. The application site covers all of the quarry and its operations; mineral extraction (including the area of the proposed extension), mineral waste tips, processing, stockpiling, removal of historic mineral waste tips, site office/welfare facilities, weighbridges and restored areas. Under this existing planning permission (ROMP), condition 1 stipulates that all of these operations can continue up to 31/12/2032 with final restoration completed by 31/12/2034. The proposed amendment to the condition would bring the dates of cessation of operations to 31/12/2035 and restoration up to 31/12/2037.
- 1.3 The development does not fall within the description and criteria of Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, all developments that are located in or close to areas subject to sensitive designations (SSSI, SAC, SPA & AONB, National Parks etc.) must be screened for an EIA. Given the scale of the development and its proximity to the Eryri National Park boundary, Eryri SSSI and SAC a full EIA was required and submitted with this application.
- 1.4 ***It is important to note that a separate planning application for the extension to the extraction area has been submitted under reference C22/0336/16/MW***

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 made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**
- PS1: Welsh language and culture
 PS 4: Sustainable transport, development and accessibility
 TRA 2 Parking Standards
 TRA 4: Managing transport impacts
 PS 5: Sustainable development
 PS 6: Alleviating the effects of climate change
 PCYFF 1: Development boundaries

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PCYFF 2: Development criteria
 PCYFF 3: Design and place shaping
 PCYFF 4: Design and landscaping
 PCYFF 6: Water conservation
 PS 13: Providing opportunity for a flourishing economy
 PS 19: Conserving and where appropriate enhancing the natural environment
 AMG 2: Special Landscape Areas
 AMG 5: Local biodiversity Conservation
 AMG 6: Protecting Sites of Regional or Local Significance
 PS20: Preserving and where appropriate enhancing heritage assets
 AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens
 AT 4: Protection of non-designated archaeological sites and their settings
 PS 22: Minerals
 MWYN 1: Safeguarding mineral resources
 MWYN 3: Mineral developments
 MWYN 5: Buffer zones around mineral sites
 MWYN 9: Restoration and after care

Supplementary Planning Guidance: Marinating and creating distinctive and sustainable communities

Supplementary Planning Guidance: The Slate Landscape of Northwest Wales World Heritage Site

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 – February 2021)

MTAN 1 Aggregates

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 11: Noise

Technical Advice Note 18: Transport

Technical Advice Note 23: Economic Development

Technical Advice Note 24: The historic environment

3. Relevant Planning History:

- C16/1164/16/MW ‘Cais o dan Ddeddf yr Amgylchedd 1995 i benderfynnu ar amodau dan adolygiad cyfnodol/ Application under the Environment Act 1995 for the determination of conditions under periodic review - Caniatadau Cyf/Permissions Ref: C96A/0020/16/MW, C08A/0039/16/MW, C12/0874/16/MW, C15/1344/16/MW’ – Permitted with conditions on 03/02/2017.
- C15/1344/16/MW ‘Cais o dan adran 73 i amrywio amod 2 ar ganiatad cynllunio C04A/0519/16/MW i barhau gweithgareddau ar gyfer symud deunydd o ddyddodion gweithio mwynau / Application under section 73 to vary condition 2 on planning permission C04A/0519/16/MW to continue operations involving the removal of material from a mineral working deposit’ – Permitted with conditions on 21/06/2016.

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- C13/0859/16/MW ‘Cyfleuster ailgylchu gwastraff anadweithiol arfaethedig / Proposed inert waste recycling facility’ – Permitted with conditions on 16/10/2013.
- C12/0874/16/MW ‘estyniad ac adliniad arfaethedig o weithfeydd cloddio llechi gyda chynllun adfer cyfnodol/ proposed extension and re-alignment of slate extraction operations with a progressive scheme of restoration’ – Permitted with conditions on 18/12/2012.
- C08A/0039/16/MW ‘Cais o dan Adran 73 i newid amodau 5 ac 20 ar ganiatad cynllunio rhif C96A/0020/16/MW, cynlluniau diwygiedig ar gyfer ardaloedd cloddio (rhannol ôl-weithredol) a chynllun monitro sŵn / Application under section 73 to vary conditions 5 & 20 of planning permission C96A/0020/16/MW, amended plans for extraction areas (part retrospective) and noise monitoring scheme’ – Permitted with conditions on 23/04/2008.
- C04A/0519/16/MW ‘Removal and processing of up to 650,000 tonnes per annum of aggregates from a mineral working deposit until 31st of December 2015’ – Permitted with conditions on 31/05/2005.
- C96A/0020/16/MW ‘Estyniad i chwarel, gwaredu gwastraff mwynol, adfer a gweithredoedd cysylltiol / Extension of slate quarry, disposal of mineral waste, restoration and associated operations’ – Permitted with conditions on 26/06/1997.

4. Consultations:

Llandygai Community Council: Supportive of the development.

Bethesda Town Council: No objection and supportive of maintaining local employment.

Transportation Unit: I refer to the above application and wish to state that I do not propose to make a recommendation as the development is not considered to have an adverse effect on any highway, or proposed highway.

Public Rights of Way Unit Over the years the development and activity of Penrhyn Quarry has affected several public paths. In 2002, an order was made to close routes number 46 and 50 in the Llandegai Community temporarily under Section 257 and 261 of the Town and Country Planning Act 1990 in order to allow authorized mining work. This order ran for 15 years and at the end of the period the quarry company was supposed to have restored routes 46 and 50 in accordance with the order. As the period of the order came to an end in 2017, it became clear that the quarry company was not in a position to restore the two routes as mining work continued in the area of the routes.

In 2017, a further order was made to extend the closure of routes number 46 and 50 as part of planning application C16/1164/16/MW which was granted with conditions on 03/02/2017. This order says that routes 46 and 50 must be restored in accordance with that document by 31/12/2034 at the latest. A copy of the order is attached.

To make up for extending the period of the order up to 31/12/2034, it was agreed that a permissive path should be established which would enable pedestrians to go from Lôn Las Ogwen to the open land area

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of Gwaen Gynfi. It was agreed that the majority of the permitted route would follow the track that was used to transport people to the top of the "zip wire". Although a permit path agreement has now been agreed between the Council, the owner of the quarry and the company Zip World Ltd, there is some work to be done on the ground before the permit path could be opened to the public. It is anticipated that this work will be completed in the coming weeks. This agreement continues until 31/12/2034.

As part of application C22/0327/16/AC, the applicant is making a case to extend the restoration period of the site up to 31/12/2037. Therefore, the applicant is expected to: -

- apply to the Countryside and Access Unit for an Order in order to extend the period of closure of routes 46 and 50 until that date.
- meet the legal, administrative and advertising costs associated with such an order.
- agree to extend the period of the permissive route agreement up to 31/12/2037.

Natural Resources Wales:

2nd response dated 07/10/2022:

Thank you for consulting NRW on your Authority's assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, which we received 23rd September 2022.

We agree with the conclusions of the HRA, that there will be no adverse effect on site integrity of the Eryri SAC from the proposed quarry extension.

However, we remind you of our conditions within our response dated 1st June 2022, attached. Those conditions must be secured in the planning consent to be certain that there will be no adverse effects on the site's integrity. We would object to the planning application if those conditions are not secured.

Recommended conditions submitted as part of 1st response remain valid

1st response dated 01/06/2022:

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted

Condition 1 – 2: Protected Sites

Condition 3: Landscape

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided

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below.

Protected Sites

The proposed site extension is within the Eryri Special Area of Conservation (SAC), and Eryri Site of Special Scientific Interest (SSSI).

Eryri SAC

Direct habitat loss

We do not consider that the proposal will result in direct SAC habitat loss as no Annex 1 habitat is present within the proposed extension.

Water Management

We do consider that the overall proposal has the potential to result in indirect habitat loss if the functioning of the existing leat is not addressed. We welcome, following previous consultations, that the proposed extension area is now confined to within the perimeter of the existing leat. However, we refer to section 9.127 of the Environmental Statement (ES), which states “No divers or alterations of the leat are required or will take place for the proposed extension. The leat will continue to function in its current location and form. The leat has been shown to perform well since its construction and meets the design principles set out in the mitigation scheme. The leat is routinely inspected, managed and maintained and is inspected after every large storm event.” From previous site visits by NRW staff, we disagree with this assertion that the leat is working properly. The impact and effectiveness of the leat is, in our view, still very unclear.

The existing permission, C16/1164/16/MW, includes conditions 31 and 32 which require annual monitoring of the functioning of the leat, along with any remedial works necessary. NRW have not been made aware of any annual monitoring reports, or any maintenance reports with respect to the functioning of the leat.

In broad terms, the existing leat and the proposed recharge trench should be acting together to help maintain the water balance of the mire/bog located to the north close to current conditions; i.e. hydrodynamic/water balance conditions before the extension area is exploited. However, monitoring of both the leat and the recharge trench is needed and should be designed together with some monitoring of the area to the north of the recharge trench i.e. within the blanket bog/mire itself. This monitoring may consist of a number of shallow piezometers with some installed with dataloggers so that the water levels in the leat/recharge trench and the bog can be monitored in real-time and reconciled against rainfall data. Obtaining such monitoring data for the drier periods, is particularly important as this is when the bog is largely reliant on the water available in the

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local vicinity and it is this water that could be disrupted by the intrusive nature of the extension area.

We therefore advise your Authority that a revised monitoring scheme, and the regular monitoring of the leat is included as a condition within any permission.

Condition 1 - Prior to the commencement of the development, a long-term monitoring plan for the leat and recharge trench shall be submitted to, and approved in writing, by the Local Planning Authority. The long term monitoring plan should include

- Details of the methods of monitoring and triggers for remedial action to be undertaken
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales. 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.

Eryri SSSI

Chough

Chough are a feature of the Eryri SSSI. We advise that the Environment Statement, section 7.66 has not undertaken a meaningful assessment of the risk of impact on Chough other than making assertions that any impact would be insignificant. NRW accept that there will be no impact to the direct disturbance on breeding chough but we wish to note that there may be the potential, probably minor impact to chough foraging areas, with the loss of 1.83 hectares of short acid grassland lost according to section 7.66 of the ES. We recommend that parts of the compensation area, or any other areas that may be more suitable, be managed to promote foraging habitat for chough.

Lichen

One of the special features of the SSSI includes its diverse range of lichen species. The proposed extension has the potential to impact on

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this SSSI feature. We do not agree with the conclusion of the lichen assessment. It seems to be largely based on assertions that the SSSI assemblage would still qualify without lichens from this location. We note that the ES commits to translocate lichens (on rocks) of significance. We advise that further, much clearer information (including annotated maps/aerial) is provided regarding the location of notable lichens, whether rock translocation is likely to be feasible, and if so how, and where would they will be placed. We therefore advise that the following condition be included within any permission:

Condition - No development shall commence until a Lichen Management Plan for the management and monitoring of the lichen has been submitted to and approved by the Local Planning Authority. The Lichen Management Plan should include:

- Details of lichen features present or to be created at the site
 - Details of the desired conditions of features (present and to be created) at the site;
 - Details of scheduling and timings of activities;
 - Details of short and long-term management, monitoring and maintenance of lichen to deliver and maintain the desired condition;
 - Method statement detailing how features with lichen interest will be translocated, and proposed locations,
 - Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed
- The Lichen Management Plan shall be carried out in accordance with the approved details.

Justification: A Lichen Management Plan should be submitted to ensure necessary lichen management measures are agreed prior to commencement of the physical extension and implemented to ensure the lichen are adequately managed long-term.

As part of the ongoing management and maintenance of SAC/SSSI habitat within the applicant's red line boundary, and habitat within the wider site, the applicant should consider appropriate management measures (including, for example, appropriate grazing of the habitat and management/exclusion of the feral goat population where required).

Compensation Plan

We note the compensation area within the Habitat Plan (PQ 7/3, January 2022) is located outside of the red line boundary shown on the site location plan. We draw it to your Authority's attention that the management and maintenance of this area may need to be

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secured by a planning obligation.

Restoration Plan

With regards to the restoration plan, and accepting the plan is open to ongoing review and modification, we advise that restoration should aim to complement and recreate SSSI/SAC habitats wherever feasible.

The aims and status of the compensation area put in place as part of the previous extension are unclear and should form part of ongoing dialogue regarding quarrying operations and effects on the environment. The ES acknowledges that a Management Plan update for the compensation area scheduled for December 2018 has not taken place, presumably without compliance of condition 48 of the existing permission.

Landscape

The Concept Restoration drawing PQ6/15 March 2022 includes the quarry extension. The approach to restoration follows previously approved proposals which include for the re-vegetation of the upper benches. We advise that we have no concerns on the restoration concept as a whole. However, we would advise that we are consulted on any Detailed Restoration Scheme, when available. We therefore recommend that the following condition be included within any permission:

Condition - No less than 12 months before the ceasing of winning and working of material, a detailed decommissioning and restoration plan shall be submitted and approved in writing by the Local Planning Authority. The Detailed Restoration Plan should include:

- Details of the methods for the removal of surface and sub-surface elements which are considered necessary.
- Details on how the site will be reformed to a condition deemed acceptable
- The timing of the decommissioning works
- The measures to be used during decommissioning to minimise environmental impacts of the works (considering both potential disturbance and pollution prevention measures)
- Details of restoration for the areas disturbed by commissioning.

However, we have no concerns with the variation to extend the time for winning and working of material to 2035, and extending the time to restore site to 2037.

The current quarrying activity lies outside of the Snowdonia National Park but within its setting and some views. Current activity within

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the quarry does not have significant effects upon the visual amenity or tranquillity experienced by the public in the national park. Prolonging activity would not alter this.

There would be a delay in implementing the restoration scheme. This scheme would not fundamentally alter the quarry's established character, presence and influence upon the Nant Ffrancon valley and outlook from Snowdonia National Park. Delaying the restoration scheme would therefore not be detrimental to the conservation or enhancement purposes of the National Park.

Dŵr Cymru: No comments received.

Public Protection Unit: No comments received.

Biodiversity Unit: Penrhyn Quarry propose to extend the time for quarry works and restoration works and to extend the area of extraction. The proposed extension measures around 2.26 ha.

The application states: a small extension to the extraction area of the quarry of 2.3 hectares (the only 1.6 hectares would actually be subject to the winning and working of minerals), lying wholly within the boundary of extant planning permission ref. no. C16/1164/16/MW.

I visited the site in January 2019 with the applicant's ecologist.

Site data

- The proposal is within the Eryri SAC and Eryri SSSI designated for heathland, upland and montane habitats and species. The proposed site for extension is within a moorland of heath and bog with bracken and grassland.

- Common lizard has been recorded within the proposed extraction area.

- Previous surveys found lesser twayblade.

Habitats

The quarry extension area is within an acid grassland and bracken with scattered boulders and an iron age sheep fold. All the habitats within the proposed extension area of 2.26ha would be lost.

Ecology Reports

The applicant has provided an EIA which includes habitat surveys,

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lichen surveys

- Realignment of Penrhyn Quarry: lichen survey of the area outlined in blue on map supplied in email dated 11/01/2019 Alan Orange February 2019

- Penrhyn Quarry Proposed Extension To The Quarry Workings Appendix 7/4: Report to Inform Habitat Regulations Assessment Prepared for: Breedon Trading Ltd. SLR March 2022

- Penrhyn Quarry Proposed Extension Habitat Survey Prepared for: Breedon Southern Ltd. SLR March 2020

Protected Site - Eryri SAC & Eryri SSSI

There will be loss of 2.26 ha, representing 0.01% of the SSSI area (which is 20,343.5 ha in extent). This includes loss 1.83 ha of acid grassland and boulders which support notable lichen species.

The Environmental Statement (SLR 2022) concludes that there is low risk of airborne dusts, and the neutral chemical composition of the dust (i.e. dust arising from a similar geology as the receiving habitats and dust that is not nutrient or mineral rich), there is no likely significant effect on any notified habitats within the SSSI and no further mitigation is necessary. I agree that dust from quarry works is unlikely to have a significant impact.

Lichens

The lichen report found a total of 69 species were recorded, including two (*Bryoria fuscescens* and *Mycoblastus affinis*) graded as Vulnerable in the Welsh Red Data Book, and 6 Nationally Scarce species. In addition there are some lichens considered significant as examples of upland species which are relatively uncommon in Snowdonia, namely *Sphaerophorus fragilis*, *Umbilicaria polyphylla* and *U. torrefacta*.

The site supports well-developed and typical lichen communities of upland areas in North Wales. The site is evidently not affected by any local sources of reactive nitrogen. However, there is only one species (*Bryoria fuscescens*) which is a Red Data Book species. Apart from *Rhizocarpon subgeminatum* the six Nationally Scarce species are of rather low significance in the context of Eryri SAC.

The Environmental Statement (SLR 2022) proposes that the mitigation for the previous permission is continued, and that boulders with lichens are translocated, however the ES reports that attempts to move boulders is not always possible due to the large size hidden below ground. I am satisfied with the proposed method to mitigate and monitor lichens.

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Reptiles

Reptiles are protected under the terms of the Wildlife & Countryside Act 1981 (as amended) and are a Section 7 Priority Species. The ES confirms that there is a small population of reptiles within the site and states that reasonable effort would be made to ensure reptiles are absent from the working area prior to works commencing. I recommend the ES proposed reptile mitigation be altered to state that no soil/ground clearance occurs during temperatures below 9 degrees Celsius.

Nesting birds

All species protected whilst nesting under Wildlife and Countryside Act 1981 (as amended). Many species (including skylark) are listed as being of principal importance under Section 7 of the Environment Act. Proposed mitigation - Removal of potential nesting bird habitat outside of the breeding season (considered to be April – August inclusive), or where this is not possible a check for the presence of nesting birds by a suitably experienced ecologist in advance of work, and retention of active nests until such time as young fledge

Invasive non-native species - plants

The quarry should be monitored for non-native invasive plants e.g. Himalayan balsam, Buddleia and Rhododendron.

Leat

In the previous permission C16/1164/16/MW there was concern that the quarry hole stopped the flow of surface and ground water on the slopes above from reaching the bog below Gwaen Gynfi, and therefore altering the hydrology of the bog habitats. To mitigate this a leat was constructed as part of C16/1164/16/MW. The leat and attenuation basin was formed by digging out of the land in 2016.

Following the construction of the leat and heavy rainfall in November 2016, the leat became widened and deepened by volume and velocity of the flow of water, due to the steepness of the slope (from a contour height of 450 to 355). This resulted in the attenuation basin being very quickly filled with material (gravels and rocks) and a fan of debris of gravels and rocks where the leat bends around the extension area and follows the contour.

When I visited in 2016 and in 2019 the debris from the leat did not appear to extend into a habitat which is a qualifying feature of the SAC.

Following my site visit in 2019 I sent an email to Jess Colebrook SLR's Ecologist stating that surveys and maps should be updated to include new features in the landscape (leat and associated trackways)

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and the changes in habitat and vegetation that has resulted.

The Habitat Plan (PQ7/3 January 2022) provided by the applicant shows that the rock and gravels washed out from the leat extends into the wet heath habitat (M15D).

The applicant has provided photographs (Figure 5 – Envireau water) of the leat taken in 2017 and a map showing Excavations and Leat Catchments (Figure 4).

This areal image and map is from the archaeological report, but it shows the extent of the debris that has over flowed from the leat.

Restoration Plan

Apart from the extension and the loss of the archaeological feature, the restoration plan remains the same as the previous permission C16/1164/16/MW.

Sheep Grazing

It is important that sheep grazing is removed from the habitat restoration areas.

Habitats Regulations Assessment

The applicant has provided information to inform (SLR 2022) a HRA under regulation 63 of the Habitats and Species Regulation 2017. This proposal would have a land take of 2.26ha within the Eryri SAC. Information to inform a HRA concludes the following:

The project will result in the permanent loss of 2.26 ha of grassland and bracken which is not a qualifying feature of the Eryri SAC, and which does not support any qualifying species.

A precautionary approach has been taken in respect of possible disturbance to SAC interest features adjacent to the application site (wet heath, dry heath and blanket bog) as a result of potential dust deposition and very slight increase in potential grazing pressure. It is concluded that since there is low risk of airborne dusts, and the neutral chemical composition of the dust (i.e. dust arising from a similar geology as the receiving habitats and dust that is not nutrient or mineral rich), there is no likely significant effect on any qualifying habitats within Eryri SAC as a result of lateral extension to quarrying activity. Similarly, an increase in 0.001 LU/ha at adjacent common land is not considered to give rise to any measurable effect.

The potential for in-combination effects during construction has been considered. However, no plans or projects have been identified in the vicinity of the site that could potentially give rise to cumulative impacts.

No likely significant effects have been identified as a result of the

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proposals, either alone or in combination with other plans or projects.

I agree with this conclusion the proposal will not have an adverse impact on the Eryri SAC.

Summary & Recommendations

- I have no objection to the extension of time for the working of the quarry and restoration.
- I am satisfied that the proposal will not have an adverse impact on the Eryri SAC, although it will result in 2.26ha of land-take within the designated site.
- I have concerns regarding the functioning of the leat, also the applicant has not provided leat monitoring data since its construction in 2016 which is condition of permission C16/1164/16/MW. I am also concerned that the debris from the leat could extend into sensitive habitats and smother vegetation.
- I have concerns regarding the extension of the area of extraction with regard to lichens and I recommend planning condition to retain/translocate rocks with significant lichens.
- Reptiles protection measures should be a planning condition.
- Measures to protect nesting birds should be a planning condition.
- Sheep grazing must be removed from the quarry and restoration areas. A stock proof fence should be built. This should be conditioned.
- I recommend a planning condition for - Invasive plant species (e.g. Rhododendron, Buddleia, Himalayan Balsam) monitoring and control and eradication and an implantation report provided every year until the completion of restoration works.

Gwynedd Archaeological
Planning Service:

Thank you for consulting us on the above applications. I have reviewed the submitted information with particular reference to those elements relating to the historic environment, namely Chapter 8 of the Environmental Statement and the supporting technical reports. We have, as described in the reports, advised on and monitored the desk-based assessment and field evaluation. I am able to confirm that all work has been completed in accordance with the relevant professional standards and provides a suitable basis for a informed planning decision.

Chapter 8 is well structured, providing all relevant detail without repeating the extensive work undertaken for previous applications. The assessment of impacts is well reasoned and I am in agreement

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with the assessment and mitigation recommendations. These comprise three elements: a Level 3 building record of the multi-cellular sheepfold (PRN 29989); archaeological excavation of the hut circle settlement complex (PRN 5380 and associated features); and a watching brief on groundworks, to be applied on a 'partial' basis (i.e. as and when seems appropriate); together with post-excavation work as necessary to the discoveries made.

Comments on the impact on the setting of designated historic assets, the recently inscribed World Heritage Site, and on the ASIDOHL report, are principally the remit of Cadw, but I would confirm that we are also in agreement with the assessment of these impacts as being minor and not significant in EIA terms.

I note that in their pre-application comments, Cadw noted the desirability of leaving the historic tips unvegetated, in order that they sustain their current contribution to the character of the World Heritage Site buffer zone. In the PAC report, the applicant explains that this suggestion has not been adopted at this stage because it is no longer proposed to alter the tip profiles, therefore the approved restoration method is unchanged. We would echo Cadw's recommendation, as an opportunity to contribute to the objectives of conserving and enhancing the World Heritage Site whilst enabling local biodiversity objectives to be met elsewhere within the quarry.

In light of the above comments, we can confirm that we have no comments on the application to vary Conditions 1 and 3 (C22/0327/16/AC). In relation to the full minerals planning application (C22/0336/16/MW), should planning consent be granted, we would recommend that a suitable condition be attached to secure the proposed mitigation programme, in accordance with national and local planning policy. The following wording is suggested:

(i) No development (including demolition, site clearance, topsoil strip or other ground works) shall take place until a specification for archaeological work has been submitted by the applicant (or their agent or successors in title) and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in accordance with the approved specification.

(ii) A detailed report on the archaeological work required by condition (i) shall be submitted to the Local Planning Authority within 12 months of completion of archaeological fieldwork and must be approved in writing by the Local Planning Authority.

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales and TAN24: The Historic Environment.

2) To ensure that the work will comply with MORPHE/Management of Archaeological Projects (MAP2) and the Standards and Guidance

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of the Chartered Institute for Archaeologists (CIfA).

All archaeological work must be undertaken in accordance with the standards and guidance of the Chartered Institute for Archaeologists, by an appropriate professional archaeological firm, who will need to agree a specification for the work with us in advance. Please do not hesitate to contact me with any queries regarding the above.

North and Mid Wales Trunk
Roads Agency:

2nd response dated 07/09/2022:

I refer to your consultation of 24/08/2022 regarding the above planning application. The time extension for the operation of the development will increase traffic during the application period compared with the operation ceasing. However, due to any potential improvement to facilities for vulnerable road users not being on the trunk road, Welsh Government as highway authority for the A5 trunk road does not issue a direction in respect of this application.

1st response dated 03/05/2022:

I refer to your consultation of 8th April 2022 regarding the above application, and advise that the Welsh Government as highway authority for the A5 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application. The applicant must provide the following information to support this application or resubmit the application with the following details;

1. Clarity is required on what on site/off site Active Travel provision enhancement are proposed due to the extension of the quarry working life to align with Active Travel Wales Act., Llwybr Newydd, WBFGA and PPW. Connectivity to local bus stop should be included in a review along with information on any lasting legacies proposed to the local area. A traffic technical note detailing the increase in traffic that uses the access since the extant planning permission was granted may also be required.

CADW:

Thank you for your letter of 8 April inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided, we have no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below. The national policy and Cadw's role in planning are set out in Annex A.

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Assessment

Scheduled Monuments

CN119 Sling Burial Chamber

CN219 Ty'n Twr

CN297 Slate Gwaliau at Felin Fawr, Penrhyn

CN374 Moel y Ci cairn

CN415 Penrhyn Slate Quarry Railroad

CN416 Penrhyn Quarry: relict areas, quarry hospital and underground levels

CN417 Penrhyn Quarry Railway

Registered Historic Landscape:

HLW (Gw) 6 Dinorwig HLW

(Gw) 10 Ogwen Valley

World Heritage Sites

The Slate Landscape of Northwest Wales This advice is given in response to an application under Section 73 to vary condition 1 and 3 of planning permission C16/1164/16/MW (Application under the Environment Act 1995 for the determination of conditions under periodic review) so as to extend the time for winning and working of material to 2035, extend time to restore site to 2037 and amend drawings so as to accommodate a proposed extension to extraction area at Alfred McAlpine Slate Products, Chwarel Penrhyn, Bethesda, Bangor.

The application is accompanied by an environmental statement which includes chapter 8 Cultural Heritage prepared by Andrew Josephs Associates. This work has considered the impact of the proposed changes to the conditions on the above designated historic assts and their settings. It concludes that at worst there will be a slight effect on them and a small effect on the World Heritage Site. We concur with this conclusion.

Eryri National Park: No response received.

Public Consultations: A notice was placed in the press, notices were placed in several locations close to the site and nearby residents were informed. The advertising period has expired and received no comments from the public.

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5. Assessment of the material planning considerations

Principle of development

- 5.1 The principle of extending the lifespan of the quarrying operations of this site is based on policy Strategic Minerals Policy PS 22 & Policy MWYN 3 of the Anglesey and Gwynedd Joint Local Development Plan 2011 (JLDP). Policy PS 22 states that the council will contribute to the continuous regional and local demand for a supply of minerals by maintaining a minimum 7 years land bank of Sand and Gravel and 10 years land bank of crushed rock aggregate reserves in line with national guidance.
- 5.2 Planning Policy Wales Edition 11 (PPW), integrates the Welsh Government's planning policies for minerals development which were previously set out in Minerals Planning Policy Wales (2001). In accordance with the requirement of PPW 11, Gwynedd Council as the Mineral Planning Authority has a duty to ensure that mineral resources are exploited in a sustainable way so that they can make an appropriate contribution to the area's construction materials requirements. The key principles noted in the section 5.14 (Minerals) of the PPW are;
- *provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;*
 - *protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;*
 - *reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and*
 - *achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.*
 - *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.*
- 5.3 Gwynedd Council, along with all of the Welsh Authorities have endorsed the Regional Technical Statement (RTS) 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 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.
- 5.4 The 2014 RTS identified a land bank for crushed rock in Gwynedd of approximately 8.51 million tonnes with a surplus (for landbank purposes) of 1.76 million tonnes. A dolerite dyke crossing the south western face of the existing extraction area at Penrhyn has rendered around 1.11 million tonnes of material unworkable. A proposed extension (subject to planning application reference

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C22/0336/16/MW) would release around 250,000 tonnes of purple roofing slate and 1.9 million tonnes of red/blue decorative slate. The continuation of slate extraction together with this proposed extension would ensure that there is no shortfall in existing reserves by maintaining a 7-year land bank and that the Council can fulfil its apportionment of obligations in the RTS of supplying minerals for the North Wales sub-region as required by Strategic Policy 22: Minerals and MWYN 3 of JLDP.

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

Visual amenities and landscape

- 5.6 The operations at Penrhyn are well established and in terms of landscape and visual assessment, it is relevant to consider issues of historic landscape and has the potential to affect views into and out of the adjacent Snowdonia National Park. The immediate area surrounding the site includes numerous sensitive landscape designations, such as; Eryri National Park, Ardal y Llechi World Heritage Site, Ogwen Valley Landscape of Outstanding Historic Interest (LOHI), North Western fringes of Eryri Special Landscape Area (SLA). Further afield, the Anglesey Area of Outstanding Natural Beauty (AONB), Historic Parks and Gardens of Y Faenol and Castell Penrhyn, Menai and Bangor Mountain SLA and Dinorwig LOHI have all been identified within the Landscape and Visual Impact Assessment (LVIA) submitted as part of the Environmental Statement.
- 5.7 In addition to these specified designated landscape assets, the LVIA has assessed undesignated landscape assets within the surrounding area. The LVIA has determined that overall, the quarry itself and immediate surroundings have a medium/low susceptibility and value.
- 5.8 The proposed lateral extension to the quarry face (application C22/0336/16/MW) will likely be difficult to distinguish from the current quarry extraction area and operations from viewpoints further afield. However, the LVIA does conclude that notable landscape effects will be limited to areas that are immediately adjacent to the site, specifically Gwaun Gynfi and Elidir Fach.
- 5.9 Mitigation measures include, screening bunds, direction and phasing of working, placement of overburden and weathered slate as part of the site restoration scheme, retention of archaeological and ecological features of interest, specifically;
- Phasing and working direction of slate extraction operations so as to best utilise existing landform features, i.e. to work behind a natural ridge on the south eastern side of the archaeological feature (sheepfold),
 - Early regeneration of exposed rock faces when extraction is completed in each phase,
 - Progressive restoration of worked out areas, e.g. the upper ‘Green Quarry’, and regeneration of the historic slate waste tips located outside the area of application but contained within the envelope of the overarching scheme,
 - Restoring the historic slate waste tips with an emphasis on nature conservation.

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- 5.10 Policy MWYN 9 of the JLDP requires applications for mineral working to be refused unless a comprehensive scheme for restoration is included. An established restoration scheme for the whole site has been conditioned as part of the ROMP (C16/1164/16/MW). Drawings submitted with this application as well as C22/0336/16/MW illustrate how the restoration scheme will be expanded to include the extension area.
- 5.11 This restoration scheme aims to naturally regenerate an upland moorland habitat and reinstatement of the land damaged by quarrying operations. Certain areas of the quarry have already been subject to the processes of natural regeneration, providing a conservation model for the quarry restoration management programme. Additionally, substantial tree planting and heather establishment has been undertaken on the north eastern tips and south western flank of the current extraction area in accordance with a programme that includes a variety of planting methods and trial areas for heather establishment.
- 5.12 The plants and trees selected are sourced from local provenance. The first technique involves the planting of tip slopes with trees contained in hessian sacks filled with green compost. Where tip slopes are difficult to access on foot, seed-balling methods are used which involves the manufacturing of compost balls mixed with pre-germinated seeds, which are then cast down the tip slopes where they find their own lodging point.
- 5.13 Although a restoration scheme for the site is in place, NRW have noted that they would recommend that a detailed restoration plan be submitted prior to the end of quarrying operations. This should include;
- Details of the methods for the removal of surface and sub-surface elements which are considered necessary.
 - Details on how the site will be reformed to a condition deemed acceptable
 - The timing of the decommissioning works
 - The measures to be used during decommissioning to minimise environmental impacts of the works (considering both potential disturbance and pollution prevention measures)
 - Details of restoration for the areas disturbed by commissioning.
- 5.14 The MPA considers this condition a reasonable addition and would ensure the restoration of the site is delivered in the most effective manner.
- 5.15 In addition to the planting scheme, it is intended to reinstate and restore the public rights of way No. 46 & 50 in the community of Llandygai and replace 750m of dry-stone walling along the property boundary. Monitoring of the restoration works is essential in order to secure a successful and cohesive strategy for the whole site.
- 5.16 As such, it is not considered that the proposal would materially affect the landscape character of the area given the proximity of the proposal to existing and historic quarry works and the landscape that it set within. Therefore, the proposal will comply with the requirements of the planning policies PCYFF 3, PCYFF 4 and MWYN 9 of the JLDP.

General and residential amenities

- 5.17 Policy MWYN 3 of the JLDP states that extensions to existing mineral sites will be acceptable subject to no unacceptable harm to the amenity or health of local residents in terms of visual

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impact, levels of dust, noise, vibration, and light as a result of the operation itself or the resulting traffic movements. This need to ensure that development proposals do not affect the amenities of residents is enforced by point 7 of policy PCYFF 2 which states

“The health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance;”

- 5.18 The proposed continuation of operations for a further 3 years is, by its nature, 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 permits issued under specialist remit of the NRW. Given the scale of the existing slate processing operation, instances of complaint are comparatively rare and the evidence demonstrates that the site can operate without adversely impacting upon the amenities of the area under the terms of planning conditions and/or environmental permits. It is noted that no objections were received following the statutory public consultation period.
- 5.19 It can be demonstrated therefore that the quarry can operate without causing adverse impact to the amenities of residential properties, including those located within a 200m buffer as prescribed by Planning Policy Wales and the national minerals planning guidance MTAN1. In addition, environmental issues or instances of complaint are brought to the attention of the quarry liaison group which essentially is a forum for the exchange of views and ideas between parties most affected and involved in the operation of the quarry, namely the community & local residents, the mineral planning authority and quarry operator.
- 5.20 Chapters 10, 11, 12 and 13 of the Environmental Statement provides assessment on Noise, Air Quality, Vibration and Wellbeing which are all matters that could potentially directly affect general and residential amenities in the surrounding area.

Noise and vibration

- 5.21 The noise assessment considered the proposed operational noise against existing planning permission noise conditions. It concludes at a worst-case scenario; noise levels would be below those levels set in existing (planning) conditions. In addition, the cumulative impact of both proposed and existing operational noise has been assessed and shown to be within the noise levels restricted within the existing planning permission conditions. The assessment provides a number of mitigation measures to be implemented on site including;
- Take advantage of noise attenuation from existing landforms;
 - Locate haul routes away from noise sensitive properties;
 - Avoid movement and rattle from vehicles by keeping haul roads in a good state of repair;
 - Noise emission levels on all mobile plant as well as a circular movement pattern to avoid unnecessary reversing alarms;
 - No unnecessary engine revving and minimised drop heights when operating machine and plant;
 - Locating pumps, generators and compressors behind screening mounds with acoustic covers or enclosures fitted if necessary.

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- 5.22 An assessment of potential impacts from blast vibrations has been included in part chapter 12 of the Environmental Statement.
- 5.23 No written comments have been formally received from the council's Public Protection Unit at the time of writing (they are expected to be submitted prior to the committee meeting). However, Public Protection officers have noted that they have no objection to the proposal and it is considered appropriate to impose conditions originally placed upon the ROMP (C16/1164/16/MW) on this proposal. These conditions include;
- Restriction of noise levels between the hours of 07:00 and 19:00.
 - Restriction of noise levels of temporary operations within the site (such as soil and overburden removal).
 - Monitoring of noise levels at specified nearby properties.
 - The mitigation measures noted above in paragraph 5.20
 - Restriction of working and operational hours.
 - Blast limitations and methods.
- 5.24 Subject to the appropriate conditions, it is considered that the proposal complies with the relevant policies of MWYN 3 and PCYFF 2 of the JLDP.

Air Quality and dust

- 5.25 Air quality impacts (specifically dust) deriving from operations on local receptors have been assessed in chapter 11 of the Environmental Statement. Firstly, this assessment has established the existing background air quality standard and a consideration of any increases. The assessment of existing PM₁₀ and PM_{2.5} particulate matter concluded to be below the required limit and the proposal would not lead to these limits being exceeded. Additionally, the risk of residual dust affecting nearby properties and ecological sites to be reversible and insignificant with the continued use of mitigation measures on site.
- 5.26 As previously noted, no written comments have been formally received from the council's Public Protection Unit at the time of writing (they are expected to be submitted prior to the committee meeting). Similarly, the officer has no objection to the proposal in terms of air quality or dust and recommends conditions placed during the 2016 ROMP be placed on this development.
- 5.27 This condition will require the continuation of current monitoring of dust and meteorological conditions, implementation of dust suppression mitigation measures and an environmental log of dust complaints.
- 5.28 Subject to this condition it is considered that the proposal complies with the relevant policies of MWYN 3 and PCYFF 2 of the JLDP.

Traffic matters, Public Rights of Way and Common Land

- 5.29 The proposal does not include an intention to increase HGV movements from the site and would release the mineral reserve in line with the proposed increased life span of the quarry.
- 5.30 The Council's Transportation department have confirmed that there is no objection to the proposal and that it is unlikely for any effect on the public highway network.
- 5.31 There are public rights of way (Nos. 46 & 50 in the community of Llandygai) traversing the southern extent of the northern tip where the haul road connects the working face with the quarry.

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processing area. In 2002 a temporary public footpath closure order was made on footpaths No. 46 and 50 under Section 257 and 261 of the 1990 Town and Country Planning Act, in order to allow the continuation of mining operations. The closure order was to run for 15 years and at the end of that period, the quarry owners were required to restore the routes of the footpaths and diversion of parts thereof in accordance with the 2002 Order.

5.32 For matters involving Public Rights of Way Policy TRA 4 of the JLDP is relevant and states that;

“Proposals that would cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks including pedestrian and cycle routes, public rights of way and bridle routes, will be refused. The degree of unacceptable harm will be determined by the local authority on a case by case basis.”

5.33 In this instance, it is important to note that the tipping regime and overall restoration strategy for the site forms part of the development proposals outlined in the Periodic Review. However, the position concerning public rights of way could have significant consequences on the implementation of not only tipping rights but also health and safety concerns where public access to operational areas of the quarry may be re-established. This original closure order period was extended in February 2017 up to 31st December 2034, which is the end date of the mineral’s permission. The Public Rights of Way Unit have confirmed that a permissive path has been established that follows the route used to transport customers to the top wire of ‘Zip World’. This path has been agreed with the Council and is currently subject to some work so as to open the path to the public. It is therefore, considered that although the original Public Rights of Way crossing the quarry have been affected for a significant period of time, the agreed permissive route provides safe access between Llandygai and the higher elevations above the quarry.

5.34 The Public Rights of Way Unit have confirmed that they will require the applicant / operator to;

- *apply to the Countryside and Access Unit for an Order in order to extend the period of closure of routes 46 and 50 until that date.*
- *meet the legal, administrative and advertising costs associated with such an order.*
- *agree to extend the period of the permissive route agreement up to 31/12/2037.*

5.35 These steps to secure the closure period and permissive route agreement match the end date of the quarrying operation will be requested by way of conditions placed on this permission. It is considered that these steps would be an acceptable approach to securing public route and ensures that the proposal does not cause unacceptable harm to Public Rights of Way to comply with policy TRA 4 of the JLDP.

Hydrology and Hydrogeology

5.36 The quarry is located on mountainous terrain that is subject to high rainfall and significant water runoff events but is not located within designated areas considered to be of high risk of fluvial or pluvial flooding.

5.37 As part of the Environmental Statement, a Flood Consequences Assessment (FCA) and Hydrogeological Risk Assessment (HRA) have been submitted. The existing water management implemented at the quarry includes; drainage and open channels, pumped drainage, surface water attenuation, settlement lagoons as well as an interception leat that has been implemented as part of the 2012 extension.

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- 5.38 This leat runs along the boundary of the quarry void and proposed extension boundary, intercepting surface water and re-charging the Gwaun Gynfi wetland and peatbog. This compensates for the previous loss of hydrological catchment from previous extension applications and maintains a source of water to the wetland.
- 5.39 The assessments conclude that there is no increased impact in hydrological features from the proposed extension in combination with the existing quarry workings provided that recommended mitigation measures and monitoring is implemented.
- 5.40 Natural Resources Wales (NRW) have commented that they accept most of these findings, however, are sceptical of the effectiveness of the leat. NRW have stated a condition should be placed on any permission to ensure a long-term monitoring plan that would include;
- Details of the methods of monitoring and triggers for remedial action to be undertaken.
 - Timescales of submission of monitoring reports to the LPA e.g. annually.
 - Details of any necessary contingency and remedial actions and timescales for actions.
 - Details confirming that the contingency and remedial actions have been carried out.
- 5.41 Policy PCYFF 6 of JLDP requires all “Proposals greater than 1,000 m² or 10 dwellings should be accompanied by a Water Conservation Statement.” In response to this requirement, the applicant have provided a Water Conservation Statement compiled by ‘Envireau Water’. The statement notes that there will not be an increase in water usage at the site and that water for dusts suppression is provided from water stored in voids (which in effect function as a large Sustainable Drainage Systems (SuDS) within the quarry. Foul sewage is dispensed by way of package treatment plant and is not connected to the mains foul sewer. Other hydrological issues (such as pluvial and fluvial flooding) have been considered within the FCA and HRA (contained within the ES).
- 5.42 Based on the evidence to hand, the proposed development will not negatively affect water conservation on site or place an additional strain on water resources.
- 5.43 Subject to applying this condition, it is considered that the proposed development would not have any detrimental effect on hydrological features and flood risk and complies with the requirements of Strategic Policy PS 19, Policy AMG 3, AMG 5, PCYFF 2, PCYFF 3 & MWYN 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

Ecological and biodiversity matters

- 5.44 Parts of the quarry (including the proposed extension) lies within the Eryri SSSI and SAC designations. These sites have been designated for their heathland, upland and montane habitats and species with the proposed extension specifically within acidic grassland and bracken.
- 5.45 The ES has reviewed surveys reports undertaken for the 2012 quarry extension and 2016 ROMP and has established that most of these surveys remain sufficient for the purpose of assessing the impact of the proposal subject to some additional surveys. Existing surveys included reports for Lichenised and Lichenicolous Fungi, Mycology, Great Crested newt, Bats, badger, Reptile, Otters, Birds, Botanical Invertebrates and Water Voles. Additional surveys of the potential

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impacts on the Eryri SAC and SSSI were undertaken as well as Chough, Otters, Badgers and Lichen species.

5.46 NRW have noted some concerns with elements of the ES assessment of Chough and Lichen within the Eryri SSSI. NRW state that the ES contains assertions that the impact of the development on the Chough will be insignificant without providing meaningful assessment. To this end, NRW recommend providing parts of the compensation area as foraging habitat for chough. As for lichen, NRW have require a Lichen Management Plan to be submitted prior to commencement of the development to include;

- Details of lichen features present or to be created at the site;
- Details of desired conditions of features (present and to be created) at the site;
- Details of scheduling and timing of activities;
- Details of short and long-term management, monitoring and maintenance of lichen to deliver and maintain the desired condition;
- Method statement detailing how features with lichen interest will be translocated and proposed locations;
- Details of timescales, length of plan, the method to review and update plans at specific intervals as agreed.

5.47 The Local Authority's Biodiversity Unit have been consulted and confirmed that they have no objection to the development and generally agree with the recommended mitigation measures. Additional recommended conditions include;

- Retain/translocate rocks with significant rocks.
- Enclose restored areas of the quarry with stock proof fencing to restrict sheep grazing.
- Monitoring and control of invasive plant species such as Rhododendron, Himalayan Balsam until completion of restoration works.

5.48 In consideration of the above, the proposal is acceptable subject to the appropriate mitigation measures and complies within policies AMG 5, AMG 6, PS 19 of JLDP and TAN 5.

Habitats Regulation Assessment

5.49 Under regulation 63 of the Habitats and Species Regulation 2017 the applicant has provided a Habitats Regulations Assessment (HRA) as the proposed extension (considered under application C22/0336/16/MW) would result in the loss of 2.26ha of the Eryri SAC. The Biodiversity Unit agrees with the HRA's conclusion that there is likely no significant effect on any of the qualifying habitats within the SAC due to airborne dust, livestock per hectare on the adjacent common land or cumulative effects with other nearby developments.

5.50 NRW have confirmed that they agree with the conclusions of the HRA that there will be no adverse effect on the integrity of the Eryri SAC from the quarry extension and extension to the quarry working lifespan.

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Archaeology and cultural heritage

- 5.51 The ES provides a list of relevant legislation and planning guidance as a background to the assessment of the environmental effects of the proposal on known features of cultural interests, monuments, heritage assets and listed buildings. The assessment criteria and evaluation of the development proposals is comparable to the methodology applied to landscape and visual impact to determine both direct and indirect impacts.
- 5.52 The immediate area surrounding the site includes numerous sensitive cultural heritage designations, such as; Ardal y Llechi World Heritage Site, Ogwen Valley Landscape of Outstanding Historic Interest (LOHI), North Western fringes of Eryri Special Landscape Area (SLA). Further afield, the Anglesey Historic Parks and Gardens of Y Faenol and Castell Penrhyn, Menai and Bangor Mountain SLA and Dinorwig LOHI.
- 5.53 A post-medieval multi cellular sheepfold is located within the proposed extension area that is subject of planning application C22/0337/16/MW and a programme of recording and controlled demolition would be undertaken prior the development of the extension. The works would include;
- A comprehensive visual record through photography and measured drawings.
 - Monitoring of demolition, including archaeological excavation where deemed appropriate, to record constructional phases and any earlier construction underlying or contained within the sheepfold.
 - Reporting, including a review of local and regional context of the structure.
 - A fully integrated archive suitable for long term deposition in order to preserve by record.
- 5.54 CADW and the Gwynedd Archaeological Planning Service (GAPS) have confirmed that they hold no objection to the proposed works and concur with the summary of the Cultural Heritage chapter of the ES. The chapter concludes that the proposals would not have any impact on the World Heritage Site nor its Outstanding Universal Value and will have 'slight or very slight' indirect visual impacts on the Historic Landscape Character Area.
- 5.55 GAPS have recommended conditions to ensure that a specification of archaeological works is submitted prior to any site clearance and a detailed report of any subsequent archaeological required.
- 5.56 Subject to the appropriate conditions and mitigation measures, it is considered that the proposal will have no significant impact on designated and undesignated heritage assets and therefore, complies with policies PS20, AT 1 and AT 4 of the JLDP and objective 7 of the Supplementary Planning Guidance: The Slate Landscape of Northwest Wales World Heritage Site.

The Welsh language

- 5.57 Section 1 (a) of strategic policy PS 1 'The Welsh Language and culture' notes that a Welsh Language Statement will need to be provided with a proposed "retail, industrial or commercial development which employs more than 50 employees and/or has a floor area of at least 1,000 m sq. or more".
- 5.58 In response to this need, the applicant has provided a Welsh Language Statement that covers both the proposal to extend the lifespan of the quarry and proposed extension. Chapter 6 of the

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statement assesses any potential effects of the development on the language and local community by considering;

- potential language and population movement.
- visual elements.
- quality of life including community infrastructure.
- employment.

- 5.59 The statement concludes that the quarry already has an established workforce (including senior management) with a substantial amount having the ability to speak or have Welsh language skills. The proposed extension to the lifespan of the working quarry would sustain the existing workforce for a longer period and potentially give the opportunity for the succession of younger workers without the need to attract workers from beyond the local area.
- 5.60 At the time of writing the report, the Council's Language Unit had not responded to the consultation but observations are expected before the Planning Committee meeting. However, based on the nature of the application and evidence to hand, it is not considered likely that the proposal would have a negative impact on the Welsh Language. It is therefore considered that the proposal conforms with policy PS 1 and the guidance contained within the SPG Marinating and creating distinctive and sustainable communities.

The economy

- 5.61 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. Penrhyn Quarry is one of the longest established slate quarries in the U.K. where slate is understood to have been extracted from the site from as long ago as 13th century.
- 5.62 The proposal to which the application relates is absolutely critical to the company's future economic contribution. The company makes a direct and significant contribution to the local economy and direct/indirect employment as a result of quarry operations. Furthermore, the retention of a local workforce has positive impacts on the culture and more specifically, the status of the Welsh Language in the region.
- 5.63 Therefore, it is considered that the proposal would make a positive impact of the economy of the area and accord with policy PS 13 of the JLDP and TAN 23.

6. Conclusion:

- 6.1 This application is to amend the provisions of an extant planning permission in order to extend the duration of the mineral extraction and operations by an additional three years and amend working drawings so as to incorporate a proposed extension to the extraction (subject to separate application).
- 6.2 As discussed above, the principal of extending the lifespan of the quarry is supported by strategic local, regional and national planning policies to sustain a supply of essential mineral. It is

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unlikely that there will be any apparent change to the working conditions of the site or to the visual impact of the site within its quarry landscape. It is considered that there are no overriding matters of concern with amenity, noise, dust and environmental issues subject to pre-existing and well-established controls that have been scrutinised as part of the ES.

- 6.3 The main ecological/habitat issues of this application relate to the effectiveness of the leat that runs along the boundary of the quarry and re-charges the Gwaun Gynfi wetland and peatbog (that forms part of the Eryri SAC) and the assessment of Chough and Lichen. Both Gwynedd Biodiversity Unit and NRW have confirmed that they have no objection to the proposals with recommendation of relevant conditions relating to a long-term monitoring plan of the leat, implementation of Lichen Management Plan, enclosure of restored areas from livestock and monitoring of invasive species.
- 6.4 These conditions would ensure compliance with policy AMG 5 of the JLDP and TAN 5, that there is no adverse effect on local biodiversity and the Eryri SAC designation.
- 6.5 The proposal would have no significant implications on heritage assets or designations and archaeology, therefore, complying with policies PS 20, AT1 and AT 4 of the JLDP and SPG: The Slate Landscape of Northwest Wales World Heritage Site.
- 6.6 The development will not increase traffic movements and would therefore, have no increased effect on any highway, or proposed highway other than the extended time period. Public rights of way from Llandygai to the slopes above the quarry will be secured by an extension to the permissive route agreement between the operator, landowner and the Public Rights of Way Unit. The proposal therefore complies with TRA 4 of the JLDP.
- 6.7 The development would have a minor positive impact on the Welsh language by securing and maintaining employment locally and it is considered that the proposal complies with policy PS 1 of the JLDP.
- 6.8 As discussed above, the proposed development complies with all relevant planning policy and considerations and it is recommended that planning permission is granted subject to conditions.

7. Recommendation:

- 7.1 To delegate powers to the Head of the Environment Department to approve the application, subject conditions relating to the following:
- Duration of working period 31/12/2035 and restoration up to 31/12/2037.
 - Permitted operations & compliance with submitted details/plans/drawings (including extension area).
 - Mark boundary of site and mineral extraction zones.
 - Hours of working.
 - Apply to extend the closure and diversion of PROW's No's.46 & 50.
 - Hours of Working at the working face,
 - Method of working & blast limitations,
 - Restoration & detailed habitat creation & restoration plan in accordance with the application details,
 - Restoration scheme for the plant site by 31 December 2035.
 - 5-yearly Review of operations,
 - Control of external lighting,

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- Control of daytime & night-time noise limitations,
- Control of fugitive dust & provision/maintenance of a weather station,
- Soils & restoration media storage,
- Restriction on permitted development rights,
- Restriction on vegetation clearance at specific times of the year unless it can be proven in writing that the work will not disturb birds & reptiles,
- Updated lichen monitoring,
- Moorland habitat management plan for the ecological compensation area in accordance with the details provided,
- Long term monitoring plan of the leat.
- Gwaen Gynfi habitat monitoring,
- Archaeological recording & mitigation,
- Protection of nesting birds.
- Lichen management plan.
- Reptiles protection measures.
- Restrict access of livestock to restored areas.
- Monitoring of invasive species.