

PLANNING COMMITTEE	DATE: 17/07/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

**Number: 4**

**Application Number: C22/0788/03/MW**

**Date Registered: 31/08/2022**

**Application Type: Minerals**

**Community: Ffestiniog**

**Ward: Ffestiniog**

**Proposal: Application for the working of slate waste tip to create stockpile for processing at an existing minerals plant**

**Location: Chwarel Lechi Ffestiniog, Talywaenydd, Blaenau Ffestiniog, Gwynedd, LL41 3ND**

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

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## 1. Description:

- 1.1 Application for the working of slate waste tip to create stockpile for processing at an existing minerals plant. The 'Bryntirion' tip lies within the Ffestiniog Slate Quarry that is located to the northwest of town of Blaenau Ffestiniog. Vehicular access to the quarry is gained from the A470 Trunk Road around 150m north of Oakley Terrace.
- 1.2 The tip itself is located at the northern most point of the Ffestiniog Slate Quarry, with Llyn Ffridd y Bwlch immediately to the north, Bryn Tirion (dwelling) and A470 to the east, the existing minerals plant previously cleared areas (of slate waste) to the south and rising mountainous terrain to the west.
- 1.3 The applicant operates an minerals plant that processes slate waste sources from both the Ffridd and Bryntirion slate tips to produce granulated slate products. The southern portion of the tip has already been worked as part of planning permission C10M/0103/03/MW (subsequently prolonged under C20/0079/03/AC). Material is removed from the tip by using a tracked excavator and fed into a mobile crusher and feed hopper prior to being transported to be dried and milled in the plant via conveyor belt.
- 1.4 This powdered or granulated slate product is primarily used for building materials such as roofing felt, artificial slate bitumen, insecticides, paint, resins, pipeline coatings, roofing and damp-course felts, automotive body under seal, terrazzo tiles and plastics or exported by road as secondary aggregate.
- 1.5 The need for the application comes as a result of the limited reserve left in tips already permitted to be worked. An estimated 520,000 tonnes of additional reserve are within application area, and this would ensure that the minerals plant has a continuous supply of feedstock for 5 years.
- 1.6 The applicant has submitted Surface Loading Report, Welsh Language Statement and a Heritage Impact Assessment as well as supporting documents relating to landscape and visual impacts, noise, air quality, water environment and cultural heritage.
- 1.7 The application does not constitute a development set out in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 as it falls below the site area threshold of 25ha. The development falls within the description set out in Paragraph 2, Schedule 2 of the EIA Regulations 'Extractive Industry, Quarries, open-cast mining and peat extraction'. The authority's screening opinion dated 05/09/2022 (reference C22/0809/03/SC) considered the relevant material environmental considerations and concluded that the scale of the development that an Environmental Impact Assessment was not required.

## 2. Relevant policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be 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.

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### 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 4: Managing transport impacts
- PCYFF 1: Development boundaries
- PCYFF 2: Development criteria
- PCYFF 3: Design and place shaping
- PCYFF 4: Design and landscaping
- PS 5: Sustainable development
- PS 13: Providing opportunity for a flourishing economy
- AMG 5: Local Biodiversity Conservation
- AT 1 (Slate WHS): Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens (Slate Landscape)
- PS 20: Preserving and where appropriate enhancing heritage assets
- MWYN 1: Safeguarding mineral resources
- MWYN 3: Mineral developments
- MWYN 5: Buffer zones around mineral sites
- MWYN 9: Restoration and after care
- PS 22: Minerals

Supplementary Planning Guidance (SPG): 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)

- Technical Advice Note 5: Nature Conservation and planning
- Technical Advice Note 11: Noise
- Technical Advice Note 18: Transport
- Technical Advice Note 20: Planning and the Welsh language

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- Technical Advice Note 23: Economic development
- Technical Advice Note 24: The historic environment
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates

### 3. Relevant Planning History:

- The area of the current application site was leased by OMYA from Alfred McAlpine Slate Limited following their purchase of the entire Ffestiniog quarry in 1997. The planning history of this site began with a Deemed Permission made on 12 April 1989 under the provisions of Part 23 of the General Development Order 1988 for the Removal of Material from a Mineral Working Deposit.
- Subsequently a conditional Planning Permission 5/59/240 was granted on 8 February 1990 for “the installation of a Slate Processing Plant”.
- On the 12 March 1991 a further application reference 5/59/240A was submitted by the former operator Messrs Redland Aggregates Ltd, to vary Conditions 5 and 6 attaching to Planning Permission 5/59/240 to relax the working hours and increase the number of vehicle movements. This application was refused on 18 June 1991.
- Application reference C00M/0011/03/MW was subject to a full Environmental Impact Assessment and was granted planning permission subject to conditions on 23rd September 2002. The proposals are centred on the existing Ffestiniog/Gloddfa Ganol Quarry operations which were combined upon their joint acquisition in 1997 by Alfred McAlpine Slate Products. The permission is for a limited period expiring on 31st December 2025 and involves combining and enlarging the surface quarrying operations to gain access to pillars of slate within abandoned underground workings and includes an area subject to a previous grant of permission granted conditionally in 1988.
- In May 2001 OMYA sought permission to regularise the boundary of the site which had been extended beyond the area of Planning Permission 5/59/240. At the same time retrospective planning permission was sought for the erection of a storage shed and hard standing on the site. Planning Permission reference C01M/0014/03/MW was issued on 5 July 2001.
- Planning Application C03M/0010/03/MW permitted on 18 June 2001 to vary Conditions 4, 5 and 6 of Planning Permission 5/59/240 to allow 24 hours working.
- Application for a certificate of lawful use, ref. C06M/0090/03/TC, Bryntirion Farm, to retain a vehicle maintenance workshop, store & office and use of land for parking commercial vehicles. The application however was refused on 5th December 2007 for the reason that no certificate of ownership was ever submitted.
- Application ref. C10M/0103/03/MW granted subject to conditions on 29th November 2010 for the regularisation of and future working of material from a mineral working deposit. Bryntirion and Ffridd slate tips, Oakeley Quarry, Blaenau Ffestiniog.
- C20/0066/03/AC ‘Application under section 73 of the Town and Country Planning Act 1990 to vary condition 1 on planning permission C01M/0014/03/MW, (Regularisation of unauthorised development – use of land for plant feedstock storage; erection of a storage shed; hardstanding for pallet storage and loading), to allow the continued operation of an established business’ – permitted on 23/07/2020.
- C20/0067/03/AC ‘Application under section 73 of the Town and Country Planning Act to vary condition 1 on planning permission C03M/0010/03/MW (application to develop land without conforming to conditions 4, 5 & 6 on planning permission 5/59/240 dated 08/02/1990) to allow the continued operation of an established business’ – permitted on 16/07/2020.
- C20/0079/03/AC ‘Application under Section 73 of the Town and Country Planning Act to vary condition 1 on planning permission C10M/0103/03/MW (Regularisation of, and future recovery of material from a mineral working deposit) to allow the continued operation of an established business’ – Permitted on 28/07/2020.

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#### 4. Consultations:

Community Council:

Response received on 29/09/2022:

The Town Council supports this application on the condition that it would create employment in the area and that the company responds to the concerns below:

The Town Council has serious concerns about pollution, particularly the smell emitted from the plant used in the quarry as well as landscape reclamation and dust levels.

The Town Council wrote to Breedons regarding these concerns and received a reply stating that new equipment will be installed to eliminate the odour and significantly reduce the dust levels.

The Town Council would like to know if the new equipment has been installed and what procedure is in place to monitor the pollution.

Transportation Unit:

Response received on 20/09/2022:

I note this application relates to a proposed development adjacent to the A470 Trunk Road, as a result the only comment I would offer is; I have no concerns with regard to the potential impact on the short section of unclassified road leading to Oakley Terrace.

Public Rights of Way Unit

Response received on 22/09/2022:

I refer to the above-mentioned application. No recorded Rights of Way appear to be affected by this proposal.

Gwynedd Council Flood Risk and Land Drainage Unit (FCMRU):

Response received on 20/09/2022:

Having reviewed the application no comments from the unit were provided on land drainage, local flood risk and erosion.

Natural Resources Wales:

Response received on 20/09/2022:

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 2nd September 2022. We have no objection to the proposed development as submitted and provide the following advice.

##### Pollution Prevention

We acknowledge the submitted Planning Statement (SLR Ref: 403.06559.00027 Version No: Final, August 2022). Subject to standard pollution prevention measures, we would agree that the minerals deposit removal would not give rise to significant

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environmental effects. We also acknowledge from the Planning Statement that the proposed development would drain to the existing main Quarry drainage system.

#### Landscape and Visual

The proposal is located 700 metres from the Snowdonia National Park. We consider the proposal is unlikely to affect the special qualities of the National Park, however we advise that you liaise with your landscape advisers regarding any localised landscape impacts, including any restoration recommendations.

#### Protected Species

We note that there is no information about protected species with the application. We consider that the proposal is unlikely to impact on protected species, however we advise that you liaise with your ecologist regarding any impacts on locally important species, and again, any restoration recommendations.

#### Other matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. 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.

Dŵr Cymru:

#### Response received on 14/09/2022:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Having reviewed the proposal, it appears that no foul or surface water connections with the public sewerage network are proposed as part of the proposed development. In light of this, Dwr Cymru Welsh Water have no comments to make on the application.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

#### Advisory Notes

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public

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ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Public Protection Unit:

Response received on 23/09/2022:

The Service has assessed the Noise and Air Quality Chapter of the report (SLR Ref: 403.06559.00027) accompanying the Planning application and have the following comments:

#### Noise

The Chapter has identified that noise monitoring was undertaken in 2019. The results demonstrate the noise from the current Operations of the site and have compared them to the current noise limits on the Planning consent 2020. There appears to be no information regarding the proposed noise levels for the proposed removal of the slate from the Bryntirion Tip. We therefore do not know whether the proposed activity will have a detrimental effect on any nearby residents. There is also no information regarding any cumulative noise from the current site working and the proposed new excavation site. It would have been expected to have the predicted noise levels from the new proposal and demonstrate whether they would comply with the current noise limits, a paragraph stating that the working of the Bryntirion tip will not change significantly from the current situation is not acceptable.

We would advise that the noise conditions currently on the planning permission are extended to include the proposed site if the application is approved.

#### Air Quality

The Service has no further comment to make on the Air Quality Chapter. It is imperative that the mitigation measures outlined within section 7, paragraphs 7.45 and 7.46 are conditioned, and the dust conditions currently on the Planning consent for the site are extended to include the proposed site.

Biodiversity Unit:

2nd Response received on 17/01/2023:

Following my comments in November 2022, the applicant has responded stating that the experimental vegetation plot will mainly be outside the working area and remain. The applicant has suggested that measures to avoid harm to reptiles could be a planning condition for protection of these species. I am satisfied with this information and suggestions.

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However, I recommend the following also planning conditions:

- A Biodiversity Enhancement Plan – this should include the creation of an otter holt.
- A Restoration Management Plan – the applicant has provided a restoration plan (Nov 2021) and I recommend that trees are planted and that the site is survey twice a year for non-native invasive species (e.g. buddleia) and that this is controlled and eradicated and that a report each year of these works is provided to the LPA. This plan should state that the restored tip will be fenced to exclude grazing animals.

1st Response received on 06/12/2022:

Site data

- Numerous otter records within 80meters
- Reptile records
- Experimental Plots for habitat creation probably by Bangor University and maybe 20years old. See photo below.

Ecology Reports

- None provided

An Ecological Impact Assessment must be provided.

Biodiversity Enhancement

- None provided

Gwynedd Council as all public bodies have a duty to protect and enhance biodiversity under section 6 of the Environment Act (Wales) 2016. A suitable biodiversity enhancement plan must be provided. I recommend habitat creation, tree planting and otter holt creation.

Plans

The tip lies above the Network Rail owned Ffestiniog railway tunnel. This tunnel is 140 years old, 3,530m long, running north from near Pont Pant-yr-afon. This tunnel is very likely to be used by bats and other protected wildlife e.g. otters, however it will remain un-altered and therefore will not affect any wildlife within the tunnel.



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### Biodiversity Impact

The tip has little vegetation except for the experimental plots. I would like more information about the plots and the potential damage to them.

Otters have been recorded in the area especially around the lake 80 meters away, which is where they will be feeding on the fish. It is unlikely that otter will be impacted by the proposed works.

There is likely to be loss of a small area vegetation (upland habitats/acid grassland/heath/flushes), however these habitats are in abundance in the vicinity.

### Recommendations

An ecological report is provided that includes information about the loss of habitats and measures to avoid harm to reptiles and other species.

Gwynedd Archaeological  
Planning Service:

### Response received on 26/09/2022:

Thank you for consulting us on the above application. I have read the submitted information including the heritage statement prepared by Andrew Josephs Associates (April 2022). Having reviewed the application against the regional historic environment record, I am in agreement with the conclusions of the heritage statement – i.e., that despite overlapping the recently inscribed Slate Landscapes of Northwest Wales World Heritage Site, the proposed development will have no significant impact upon the historic environment, due to the recent date of the tip affected and the retention of the outer edge of Bryntirion Tip, which conserves the historic landscape character. I note the possibility that removal of tip material may eventually uncover a drain or leat leading from Llyn Ffridd-y-Bwlch reservoir. As an early/mid-19th century feature associated with the quarry, it is part of the historic industrial landscape and if extant, its retention

or recording would likely be sought. However, individually it is of very minor significance with little capacity to increase site understanding or appreciation, may have been damaged by later tipping, and may not in fact be exposed. In light of this, it is considered that a mitigation requirement (such as a watching brief on later stages of material removal) would be disproportionate and may be impractical to enforce. Accordingly, it is advised that there are no significant archaeological implications for the proposals and no

further archaeological work is recommended at this time. Please do not hesitate to contact me with any queries regarding the above.

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North and Mid Wales Trunk  
Roads Agency:

2nd response received on 16/11/2022:

I refer to your consultation of 09/11/2022 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

1st Response received on 26/10/2022:

Thank you for the attached consultation.

During the pre-planning consultation, we requested existing and proposed AADT values were provided for the trunk road access so that we could assess the impact this may have the Strategic Road Network. I note that the applicant has provided the response below: "4.3 Welsh Government The proposals relate to the working of the Bryntirion Tip to provide a feedstock for the minerals plant. Planning conditions already exist to limit vehicle movements and it is not proposed to amend those conditions as part of the planning application. As such it is not considered necessary to provide AADT figures." Can the applicant provide the condition that restricts vehicle movements or confirm that there will be no increase in vehicle movements through the trunk road access as a result of the proposal please?

Network Rail:

Response received on 23/03/2023:

The application makes reference to extensive surface drainage that the quarry has in place.

8.54 - '...As a high proportion of surface water run-off from the quarry catchment (within which the application site is located) flows through well-established channels which form the surface water management system this avoids any impact on water quality potentially generated through an increases in suspended sediment.'

However, there is no visual evidence (in the form of maps, cross sections etc) to demonstrate this and how this drainage network will act to reduce surface runoff towards the tunnel shaft. Considering the substantial infiltration into the shaft it is necessary to understand the location and effectiveness of any drainage in the vicinity.

The report makes comment on the general hydrology of the area but in doing this does not consider the topographical low that the tunnel shaft is located within as a potential receptor for runoff. It is concerning that this has been overlooked, Network Rail feels that this must be considered given the proposed changes to the surrounding environment.

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I suggest that a meeting with the relevant parties would be a useful way for all to discuss reservations up to this point. Providing the opportunity to demonstrate how the issues raised consistently by Network Rail can be resolved.

Response received on 05/10/2022:

Thank you for your email dated 8 September 2022 together with the opportunity to comment on this proposal.

The bullet points below are the comments we made in respect of a pre-application consultation, and comments from the mining team have been included against these points, in red, to reflect the review of the planning application now received.

- The consultation relates to the removal for reprocessing of tipped waste from quarry operations amounting in total to some 0.5Mt, the application should demonstrate how the stability of tip and its environs shall be maintained during the works and assess the impact of changes in surface loading to the subjacent land and the assets of Network Rail. All in line with legislation, codes of practice etc. Such an assessment has been completed and submitted in part with the consultation, however, we request the whole report on which to base an opinion not the extract tabled.
- The application should demonstrate how the finished landform is to be formed and how stability is to be maintained throughout. There is no such description in the application.
- The application should demonstrate how dust produced is to be controlled during the works to mitigate the risks to Network Rail noting the presence of air shafts at site and the need for access to site for employees and contractors. The air shaft is not recognised as a receptor despite it being closer to the operation than some other receptors which have been recognised, the tunnel should be evaluated as a receptor.
- The application should further evidence how surface water run-off is to be controlled at site, whilst the works are underway, and post restoration, as it is understood that there is an intention to allow water flow to the abandoned quarry pit which is also fed by linkage with subjacent mine workings before being allowed to discharge through an adit towards the railway. The infrastructure relied upon will need to be inspected and maintained during the works and are necessary to protect Network Rail infrastructure from instability and flooding. There is evidence that surface water flow has resulted in ingress of water and silt into the underlying tunnel, hence the concern and comment. This has not been specifically addressed in the application with the premiss being made that the operation is as existing and not recognising the previous issues with surface water entering the tunnel

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via the airshafts.

- The consultation identifies surface water as already flowing beneath the existing tip, the application should demonstrate how this is to be managed to prevent impact upon Network Rail infrastructure and stability. This is not addressed in the application
- The impacts of climate change should be considered throughout in light of all of the previous bullet points. There is no assessment of the implications for surface water flows, system capacity.

In light of the forgoing, we request a holding objection pending the submission of further information as outlined in bullet point

1. We request the holding objection remains until Network Rail are satisfied answers are received in respect of the other bullet points as the risks to Network Rail have not been assessed or managed within the application.

CADW:

Response received on 23/09/2022:

Thank you for your letter of 2 September 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.

Assessment

Scheduled Monuments

CN413 Diffwys Quarry

CN414 Rhiwbach Quarry, Tramway and Incline System CN422 Oakeley Quarry Tips

CN423 Wrysgan Quarry

CN425 Cwmorthin slate quarry, mine, railway and ancillary features ME173 Hut Circle Settlement at Gelli Gonan

World Heritage Site

The Slate Landscape of Northwest Wales - Ffestiniog: its Slate mines and Quarries, 'city of slates' and Railway to Porthmadog The

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application is accompanied by a heritage impact assessment produced by Andrew Joseph Associates which considers the impact of the proposed development on the above historic assets and their settings. It concludes that due to an upstanding band of the encircling tip remaining in place there will be no impact on the settings of the scheduled monuments and that the changes to a small part of the World Heritage Site will not alter the way that it is appreciated and have an impact on its' Outstanding Universal Values. We concur with this conclusion.

Eryri National Park: Response received on 06/09/2022:  
No comments.

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.

## 5. Assessment of the material planning considerations

### Principle of development

5.1 The principle of working a slate tip as secondary mineral extraction is based on policy MWYN 3 of the JLDP which supports such developments to maintain the plan area's landbank where it can be demonstrated that the proposal complies with the following criteria;

1. *There is no unacceptable harm to the amenity or health of local residents in terms of visual impact, levels of dust, noise, vibration, and light as a result of the operation itself or the resulting traffic movements;*
2. *There is a suitable buffer between mineral development and sensitive development;*
3. *There is no unacceptable harm to the stability and support of adjacent land;*
4. *The development is sensitively screened and landscaped;*
5. *The development will not have a significant adverse impact on sites of international, national, regional or local environmental, nature conservation, landscape and /or heritage importance;*
6. *The proposal does not sterilize or otherwise prevent the working of other significant mineral deposits;*
7. *There is no unacceptable harm to land drainage groundwater and water resources;*
8. *The proposal ensures that the potential use of the resource is maximised and there is satisfactory disposal of any waste arising from the mineral operation;*

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*9. Where blasting is proposed, the proposal includes a scheme of blasting to demonstrate that it can be controlled to meet the conditions detailed in Mineral Technical Advice Note MTAN (Wales) 1: Aggregates, or any amendments;*

*10. The proposal includes a scheme for the after use of the site and details of the restoration and aftercare required to achieve it in accordance with Policy MWYN 9;*

*11. Wherever economically feasible, mineral waste or products should be transported by rail or water.*

5.2 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 year land bank of Sand and Gravel and 10 years land bank of crushed rock aggregate reserves in line with national guidance.

5.3 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.*

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5.4 Section 5.14.12 of the PPW goes on to recognise and supports the use of recycled mineral waste

*“The contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals...”*

5.5 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 (NWRAP). The statement has been prepared in accordance with the provisions of the Minerals Planning Policy (Wales) and Technical Advice Note (Wales) 1: Aggregates (MTAN1), to set out an overarching objective to ensure a sustainable managed supply of aggregates; *“... so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance”*.

5.6 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. The RTS review states; *“In North Wales, crushed slate, derived either from slate waste (as a by-product of roofing material production) or quarried specifically for use as primary aggregate, features significantly in the overall pattern of supply, especially in Gwynedd. With the introduction of the aggregates levy in 2002, there has been an increased use of slate waste to substitute primary hard rock reserves.*

5.7 As previously noted, current permissions to work the Ffridd and southern portion of the Bryntirion tips have now exhausted those available reserves and additional feedstock for the minerals plant is needed. The use of slate waste is a valuable resource that can be used as an alternative source of aggregate which eases the pressure and demand on primary mineral resources.

5.8 Subject to the consideration of all other material planning considerations, it is considered that the principle of development of working the remainder of the Bryntirion slate tip complies with the requirements of Strategic Minerals Policy PS 22 & Policy MWYN 3 of the Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 by maximising the potential of the mineral resource.

5.9 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**

5.10 Ffestiniog Slate Quarry covers a substantial area on the south-eastern flank of Moel Druman with the Bryntirion tip located in the northern most point. To the north of the quarry is Llyn Ffridd y Bwlch (reservoir), the A470 trunk road running along the eastern boundary and the Eryri National Park boundary approximately 450m to the north. The eastern flank of the Bryntirion tip is located within the The Slate Landscape of North Wales, World Heritage Site (WHS).

5.11 The potential significance of any landscape and visual impacts are determined by a combination of the magnitude of changes and sensitivity of the landscape setting to change. The proposed development would cause direct impacts to the landscape of the application site which is unavoidable due to the nature of mineral extraction. As part of the supporting documents, the applicant has provided a Landscape and Visual Appraisal that considers the sensitivity of surrounding landscape designations, residential areas and recreational receptors.

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- 5.12 Visual receptors most likely to be nearest to the development is road users of the A470 Trunk Road, particularly when travelling in southerly direction from Bwlch y Gorddinan (Crimea Pass) towards Blaenau Ffestiniog. Walkers using Public Right of Way (PRoW) to the north of the site (along Moel Dyrnogydd) and along the northern boundary of Llechwedd Slate Quarry would have similar views to that of road users. Distant views of the site maybe possible from higher upland areas within the Eryri National Park.
- 5.13 Residential properties located at Tal y Waenydd terrace would potentially have views of the top of the Bryntirion tip. It is unlikely that any residential properties located further south at Rhiwbryfdir would have views of the development due to the intervening tall tips located along the south-eastern boundary of Ffestiniog Quarry. Visitors taking part in activities on higher ground within Llechwedd Quarry (Zip World) would have open views looking down at Ffestiniog Quarry and the development site.
- 5.14 The appraisal concludes; *“The removal of Bryntirion Tip in particular, positioned as it is adjacent to the A470 and seen against the rising natural hillside, has the potential to make a more positive and effective improvement in the surrounding landscape. Residential viewers are generally limited to a row of cottages to the south of the quarry entrance. The proposed development would be largely screened by existing bunding and vegetation from these properties and only minor visual effects are anticipated. Overall, within the context of the existing Oakley Quarry site the identified landscape and visual changes have a limited level of effect and working of identified landscape and visual changes have a limited level of effect and working of the identified tip would not result in any great levels of impact.”*
- 5.15 Policy MWYN 9 of the JLDP outlines requirements with respect to restoring mineral working sites. The scheme of proposed restoration would be in accordance with the existing overarching restoration strategy for the whole site established as part of the mineral’s permission (reference C00M/0011/03/MW). The proposal will retain the outer slopes of the Bryntirion tip with the intention of retaining a visually recognisable feature of the site’s slate heritage that reduces the development’s impact on the WHS. Inner parts of the tip will have been extracted, leaving a reworked landform that is intended to be restored as a combination of heathland mosaic, areas of scrub / pioneer woodland habitat and areas of wet grassland in the lower lying areas.
- 5.16 The plants and trees selected are sourced from local provenance. Technique would involve either the planting of tip slopes with trees contained in hessian sacks filled with green compost or ‘seed balling’. 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. The restored habitats would be subject to a five-year aftercare period.
- 5.17 Considering the scale of the development in the context of the wider Ffestiniog Quarry, the retention of the external boundary of the tips and proposed restoration measures it is highly unlikely that the proposal would have a detrimental effect on the character of the landscape nor the visual amenity of the area. Therefore, the MPA considers that the proposal complies with the requirements of policies PCYFF 3, PCYFF 4, MWYN 3 and MWYN 9 of the JLDP.

## Cultural Heritage



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- 5.18 The site is partially contained within ‘The Slate Landscapes of North Wales’ WHS and wholly contained within the Blaenau Ffestiniog registered Landscape of Outstanding Historic Interest. As previously discussed, the proposed method of working will concentrate on the removal of the ‘internal’ portion of the Bryntirion tip with the ‘exterior’ slopes being retained. Retention of the encircling and upstanding area of the tip would ensure that the effects of the development on the outstanding universal value of the WHS is negligible.
- 5.19 Beyond the application site boundary lie numerous designated heritage assets, mainly, Scheduled Ancient Monuments (SAM) and Listed Buildings (LB) associated with the quarrying industry. Given the topography surrounding the site and distances separating the designations, it can be considered that there will be no significant direct or indirect impacts upon designated heritage assets in the locality.
- 5.20 CADW and the Gwynedd Archaeological Planning Trust have been consulted on the application details and concur with this assessment. It is considered therefore that the development conforms with policies PS 20, AT 1, AT 3

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

- 5.21 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 residents in terms of visual 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;”*
- 5.22 MTAN 1 Wales; Aggregates recognises that there is often a conflict between mineral workings and other land uses and has established the principle of buffer zones around permitted and allocated mineral extraction sites. The objective of a buffer zone is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance. MTAN 1 further recommends that a minimum distance of 200 metres should be adopted for hard rock quarries and that Development Plans should indicate the boundary of a buffer zone for each mineral working. A buffer zone of 200 metres has been established around the periphery of Penrhyn Quarry in the JLDP which does include residential properties, and in respect of the proposal to work the mineral working deposit it should be noted that there is one residential property (within the ownership of the quarry) within 100m of the working area. Other residential properties located at Tal y Waenydd terrace are located approximately 290m away from the application boundary.
- 5.23 The proposal is similar in nature to the type of activity that has been implemented on site for many years and which has been subject of environmental controls through planning conditions or permits issued under specialist remit of NRW and Gwynedd Council Public Protection Unit. There are very few, if any, instances of complaint relating to existing operations of removing the mineral working deposit or the operation of plant and machinery at the processing plant.
- 5.24 As per current working methods, the material is to be removed from the tip by using a tracked excavator and fed into a mobile crusher to produce 40mm and 20mm products. The 13mm to dust crushed material is then fed into a hopper prior to being transported to be dried and milled in the plant via conveyor belt. Within the building, the slate waste is milled and screened with a

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proportion of the processed material coated with coloured pigment and/or polymer. Finished products are either loaded directly into powder tanks or bagged and stored prior to dispatch by road.

5.25 The Noise Assessment submitted with the application notes that a sound survey has been undertaken at Tal y Waenydd terrace during normal on-site operations. This survey confirms that the sound levels from established on site operations are within the permitted/conditioned limits of 50dB LAeq, 1hour, and it is expected for the proposed operations to remain within these acceptable noise levels. Gwynedd Council's Public Protection Unit noted that there is no information regarding the proposed noise levels contained within the assessment, therefore, disputing the claim that it can be categorically stated that there will not be any detrimental effect from noise generated. However, they have recommended applying noise conditions for existing planning permissions to proposed development and do not object to the proposals. Considering that the proposal is essentially a continuation of the existing operations (albeit slighter further north) and the recommended conditions by the Public Protection Unit, the Authority can be reasonably assured that the development would not be significantly different to existing operations in terms of noise effects.

5.26 It is considered that the following conditions will be applicable for controlling noise;

- Restricting noise limits to LAeq (1 hour) = 50 dB, measured free field at any residential property at Tal y Waenydd between hours of 07:00 – 19:00, Monday to Friday. Restricted to LAeq (5 minutes) 40dB all other times.
- The best practicable means and/or 'white noise' reversing alarms shall be fitted to mobile plant and vehicles used on site.
- Routine noise monitoring surveys every year. Additional surveys shall not be requested except upon the receipt of a formal complaint from a local resident(s).
- Operations for removing Bryntirion tip will be restricted to 07:00 – 19:00, Monday to Saturday with no operations on Sunday and Bank or Public Holidays. Condition will not restrict essential maintenance to plant and machinery or loading and despatching of processed material.

**\*Other operations on site are restricted through conditions placed on existing planning permissions\***

5.27 Air quality impacts (specifically dust) have been assessed in chapter 7 of the applicant's supporting documents. This assessment includes a baseline review, potential impacts deriving from dust deposition, potential impacts of suspended airborne dust and review of existing dust control measures at the site.

5.28 The Public Protection Unit have provided comments noting no objection to the proposal in terms of air quality or dust and that the mitigation measures provided in paragraphs 7.45 and 7.46 should be conditioned if the Authority is minded to permit the application. Operational mitigation measures include:

- minimise drop heights when unloading material.
- protect material from exposure to wind where possible (for example leaving the outer of the Bryntirion Tip in situ).

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- minimise the transportation distances of material on-site where possible.
- use of water sprays to moisten haul road surfaces during dry weather.
- restrict on-site vehicle speeds with a speed limit of 10mph.
- dust suppression spraying of material to be crushed.
- enclosure of plant (where possible); and
- use of water sprays to moisten surfaces of material during dry weather.

5.29 Other mitigation measures will include;

- regular monitoring of weather forecasts in order to inform potential mitigation requirements e.g., movement of working areas, need for damping down, cessation of activities.
- monitoring of current weather conditions, particularly wind direction; and
- visual monitoring for airborne dust, or emerging dust sources (e.g. haul road drying out).

5.30 The community council noted concerns regarding previous incidence of odours arising from the minerals plant and dust. The minerals plant is subject of a separate planning permission and the proposed development to release additional material from the tip would not have any change on its operations already restricted by conditions/permits. Any issue and complaints relating to the minerals plant will be discussed with the operator during monitoring visits of the site.

5.31 Network Rail provided comments objecting to the proposal due to a lack of information relating to dust control and its effects on the tunnel air shafts. However, as discussed above, the applicant has provided thorough information on dust control and the Public Protection Unit have recommended appropriate conditions (mitigation measures) to reduce any impact of the development on air quality.

5.32 Given the separation distance, and the evidence to demonstrate that site already operates without detriment to amenity, under the terms of planning conditions and/or environmental permits it is considered that the proposal complies with policies PCYFF 2, MWYN 3 and MWYN 5 of the JLDP.

#### **Traffic matters, Public Rights of Way and Common Land**

5.33 The proposal does not include an intention to increase HGV movements from the site and would release the mineral reserve in line with existing conditions for Ffestiniog Quarry that restrict output to 9 loads per working day and 2 loads on Saturday, Sunday and Bank/Public Holidays.

5.34 Both the Welsh Government North and Mid Wales Trunk Roads Agency (NMWRTA) and Gwynedd Council's Transportation Unit confirmed no direction/objection to the proposal. It is considered that the proposed development would not have any adverse effect on the public highway network and complies with the requirements of policy TRA 4 of the JLDP.

#### **Hydrology and Hydrogeology**

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- 5.35 As previously noted, the Bryntirion tip lies within the Ffestiniog quarry complex that expands over a significant area on the south-eastern side of Moel Dryman and Allt Fawr. The application site is designated within a Flood Zone ‘A’ on Welsh Government Development Advice Maps where there is little to no risk of river/fluvial flooding.
- 5.36 Chapter 8 of the supporting documents provide an extensive assessment of the existing hydrological conditions at the site and how the proposal will impact these conditions. Currently, any surface water resulting from precipitation is collected, settled, and recycled via the in-situ discharge system whereby the site drains into the adjacent Oakeley quarry void for settlement prior to discharge into the Afon Barlwyd under the provisions of a discharge consent, which includes a limit on suspended solid. Compliance with this limitation is monitored on an ongoing basis in accordance with the operator’s Environmental Management System and there have been no comments or concerns relating to drainage or flood risk in response to consultation with Natural Resources Wales or Gwynedd Flood Risk and Land Drainage Unit.
- 5.37 An objection has been received by Network Rail concerning land stability and water run-off in relation to the Ffestiniog tunnel and railway. The objections submitted maintain the following issues;
- *The application should demonstrate how the stability of tip and its environs shall be maintained during the works and assess the impact of changes in surface loading to the subjacent land and the assets of Network Rail. All in line with legislation, codes of practice etc. Such an assessment has been completed and submitted in part with the consultation, however, we request the whole report on which to base an opinion not the extract tabled.*
  - *The application should demonstrate how the finished landform is to be formed and how stability is to be maintained throughout. There is no such description in the application.*
  - *The application should further evidence how surface water run-off is to be controlled at site, whilst the works are underway, and post restoration, as it is understood that there is an intention to allow water flow to the abandoned quarry pit which is also fed by linkage with subjacent mine workings before being allowed to discharge through an adit towards the railway. The infrastructure relied upon will need to be inspected and maintained during the works and are necessary to protect Network Rail infrastructure from instability and flooding. There is evidence that surface water flow has resulted in ingress of water and silt into the underlying tunnel, hence the concern and comment. This has not been specifically addressed in the application with the premiss being made that the operation is as existing and not recognising the previous issues with surface water entering the tunnel via the airshafts.*
  - *The consultation identifies surface water as already flowing beneath the existing tip, the application should demonstrate how this is to be managed to prevent impact upon Network Rail infrastructure and stability. This is not addressed in the application.*
  - *The impacts of climate change should be considered throughout considering all the previous bullet points. There is no assessment of the implications for surface water flows, system capacity.*
- 5.38 Further discussions with Network Rail have established that these issues mainly concern surface and sub-surface water movements into and around air shaft no.3 and subsequently in and around the tunnel lining. The tunnel suffered from rock falls, silt and water making its way to the tunnel

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floor during storm events in both 2017 and 2019 and Network Rail maintain that this was directly due to operations at Ffestiniog Quarry.

- 5.39 The Ffestiniog railway tunnel lies directly beneath the Bryntirion tip and dates back to 1873-79, it is a part of the Llandudno Junction to Blaenau Ffestiniog line. Along the surface above the tunnel are 3 covered (to prevent rock fall) vertical air shafts (each some 1.83m tall). Although outside of the application site, airshaft 3 is within a 10m (approx.) deep ‘bowl’ surrounded by slate waste bund approximately 1m in height around 200m southeast of the tip. The tunnel is mostly unlined with only short sections lined with brick arching on walls of slate waste.
- 5.40 As part of the application, a Surface Loading Report (prepared by GWP Consultants during May 2022) has been provided (as well as chapter 8 of the supporting documents discussing hydrogeology). The Surface Loading Report assesses land movements due to the impact of removing the tip and thermal changes. The report states that the existing rock mass around the tunnel has deformed very little as a result of creating the tip and unloading due its removal would likely result in a 0.9mm upward movement. A movement of less than 0.1mm between the floor and crown of the Ffestiniog tunnel as well as a less than 0.1mm would be seen across the Cwm Bowydd Fault (55m east of tunnel) resulting in no effect on the tunnel. It is noted that computed displacements due to the tip removal would be less than differential movement between the tunnel and the body of rock mass resulting from thermal changes at as little as 0.05°C of change. It concludes that Bryntirion tip has only an induced elastic displacement at tunnel level and does not result in any permanent deformation or yielding of material surrounding the tunnel. This establishes that there will be insignificant rock movement resulting from the partial removal of the tip (less than annual thermal and humidity changes). It also adds that the rock formation surrounding the tunnel is expected to deteriorate further due to weathering effects.
- 5.41 It is unclear from Network Rail’s claim as to the source and access point of the surface water, finings and silts considering the location of the air shaft (200m away from the proposed working area) and its height above ground (1.8m). In a response, the applicant commissioned a ‘Technical Memorandum’ (SLR, April 2023) investigating the issue of surface water ingress into the Air Shaft. This included a site walkover and inspection and concluded that the airshaft is at the base of a ‘bowl’ surrounded by a bund, is raised 2m above ground with surface water flows directed around this area. Given the information provided by the applicant, there is nothing to suggest that these issues are directly a result of existing operations permitted for removal of the slate tips and that the proposed development would have any detrimental change.
- 5.42 Network Rail requested a further in person discussions between each party in late March, however, requests for an agreed date for a meeting and further (Network Rail) comments on the contents of the technical memorandum have not materialised and the LPA has received no further communication from Network Rail since the end of April.
- 5.43 In response to this, the applicant’s Counsel has stated *“the surface water drainage system on site remains the same as approved under the current planning permission and, consequently, the issues alleged by Network Rail should be dealt with privately, rather than frustrate the planning system and delay the determination of the above-mentioned Planning Application. We have sought to make contact with Network Rail to discuss their allegations directly but, as yet, have not received a substantive response.”* As discussed above, there is no evidence to suggest that the proposed development would have any adverse effect on the existing surface water runoff and the LPA considers this dispute a matter between the applicant and Network Rail and relates to the implementation of an existing planning consent. It is important to note that the grant of planning

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permission would not restrict Network Rail's ability to proceed with this matter as part of any civil dispute.

- 5.44 There have been no comments or concerns relating to drainage or flood risk in response to consultation with Natural Resources Wales or Gwynedd Flood Risk and Land Drainage Unit.
- 5.45 Given the deliberation above, the Minerals Planning Authority are of the opinion that the applicant has provided adequate information in terms technical reports relating to the surface load bearing, hydrology/geology and restoration proposals and that there is no information provided by Network Rail to disprove adequacy or reliability of these reports. The authority has contacted Network rail several times regarding these matters, specifically drawing their attention to the detailed reports received but no additional comments were received. It is considered that the Authority has given Network Rail more than reasonable opportunity to comment further.
- 5.46 Policy PCYFF 6 of JLDP requires all "Proposals greater than 1,000 m<sup>2</sup> or 10 dwellings should be accompanied by a Water Conservation Statement." No document titled 'Water Conservation Statement' has been submitted, however, as previously noted the applicant's supporting documents include a chapter (8) on 'Water Environment' which covers this issue. This document discusses baseline hydrological conditions (aquifer characteristics, groundwater, water abstractions, flood risk, surface water run off) and the impact of the proposal development on said conditions. Based on the evidence to hand, the proposed development is unlikely to negatively affect water conservation or resources on or off site.
- 5.47 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 and Policy AMG 3, AMG 5, PCYFF 2, PCYFF 3, PCYFF 6 and MWYN 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

### **Ecological and biodiversity matters**

- 5.48 All degraded mineral working deposits and working within the Ffestiniog Quarry complex are designated as a local wildlife site of 'open mosaic of habitats and heathland' (Quarry/Spoil). Comments were provided by the Gwynedd Biodiversity Unit in response to the consultation noting that;
- There are records of otters in the surrounding area.
  - Experimental habitat creation plots used by Bangor University are located in the north-western portion of the site.
  - Ecological report is provided that includes information about the loss of habitats and measures to avoid harm to reptiles and other species.
- 5.49 As the otter sightings have been recorded at Llyn Ffridd y Bwlch (around 80m north of the site), the Biodiversity Officer is satisfied that the proposal is very unlikely to have any impact on these species. A response from the applicant confirmed that the experimental plots are mainly outside the working area (therefore will be retained) and have not been used/monitored by the University for a considerable amount of time. In response to this information, the Biodiversity Officer confirmed that an ecological report would no longer be required, and conditions should be placed for the following issues;
- Reasonable Avoidance Measures (RAM) for reptiles.
  - Biodiversity Enhancement Plan (to include the creation of an otter holt).

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- Restoration Management Plan (to include survey and eradication measures for non-native invasive species and stock proof fencing to stop access of livestock to restored areas.

5.50 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.

### **The Welsh language**

5.51 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"*.

5.52 In response to this need, the applicant has provided a Welsh Language Statement. Chapter 6 of the 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.

5.53 The statement concludes that the proposal to work Bryntirion tip will maintain a supply of material to the Minerals Plant, therefore, supporting the retainment of the existing workforce. As the proposed development will not require any additional workforce, it is unlikely to lead to any changes in the balance of Welsh speakers, age structure, migration (of the workforce).

5.54 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**

5.55 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.

5.56 The proposal to which the application relates is critical to maintain a sustained supply of material for the minerals plant. Nine full time/direct personnel are employed with operations relating to the working of the tips and minerals plant as helps sustain numerous other related jobs/employment (such as haulage, plant and engineering).

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5.57 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.

5.58 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 PPW supports the use of recycled material where possible to place less pressure on primary resources. As such, the principal of working of a slate waste tip to create stockpile for processing at an existing minerals plant is acceptable and supported by policies MWYN 3 and PS 22 of JLDP as well as MTAN1.

6.2 Due to the location, scale and well-established controls regarding noise, dust and environmental matters it is considered that it is unlikely for the development to result in any adverse effect on visual and residential amenities.

6.3 There are no archaeological implications to the operations on site and the retention of the outer/encircling and upstanding area of the tip would ensure that the effects of the development on the outstanding universal value of the WHS is negligible. The proposal complies with policies PS 20, AT1 and AT 4 of the JLDP and SPG: The Slate Landscape of Northwest Wales World Heritage Site.

6.4 The main ecological issues of the development relate to RAM for reptiles, Biodiversity Enhancement Plan and Restoration Management Plan that will be conditioned as part of any permission. Both Gwynedd Biodiversity Unit and NRW have confirmed that they have no objection to the proposals with the recommended conditions in place. These conditions would ensure compliance with policy AMG 5 of the JLDP and TAN 5, that there is no adverse effect on local biodiversity.

6.5 The development will not increase traffic movements and would therefore, have no effect on any highway, or proposed highway. The proposal therefore complies with TRA 4 of the JLDP.

6.6 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.

6.7 The proposed development, therefore, 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 approve the application, subject conditions relating to the following:



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- Duration of working period 31/01/2040 and restoration up to 31/01/2042 to coincide with terms of overarching planning permission.
- Permitted operations & compliance with submitted details/plans/drawings.
- Mark boundary of site and mineral extraction zones.
- Hours of working.
- Control of HGV movements from site to 9 a day on working days (Monday – Friday), No more than 2 on Saturday, Sunday and Bank/Public Holidays.
- Dust mitigation measures.
- Air quality monitoring.
- Operational noise level restrictions.
- Noise monitoring surveys.
- Restriction on operating hours of crusher.
- Reasonable avoidance measures for reptiles.
- Biodiversity Enhancement Plan (to include the creation of an otter holt).
- Restoration Management Plan (to include survey and eradication measures for non-native invasive species and stock proof fencing to stop access of livestock to restored areas).