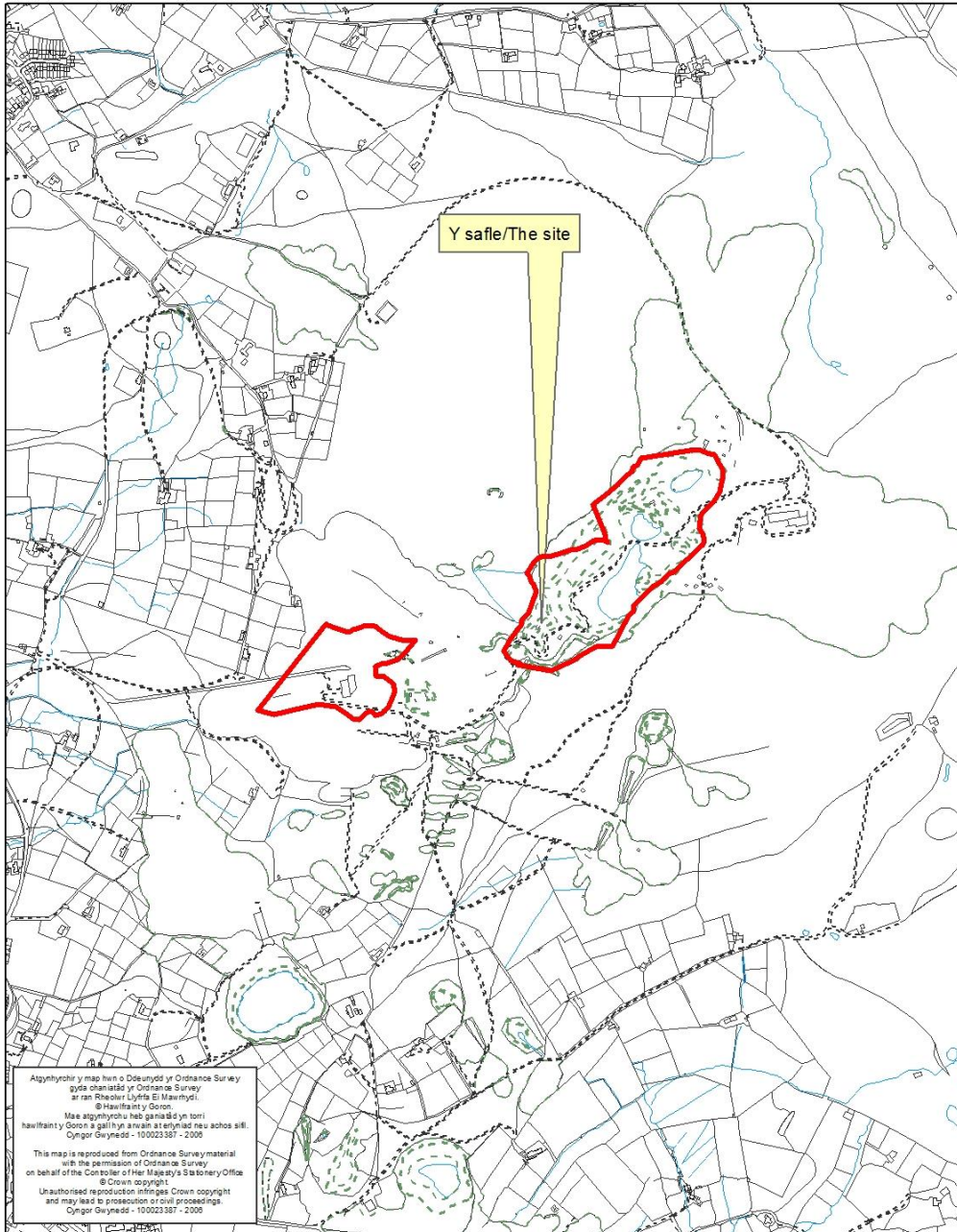


Number: 6



Rhif y Cais / Application Number : C16/0063/17/MW

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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Application No: C16/0063/17/MW
Registration Date: 25/01/2016
Application Type: Full - Planning
Community: Llandwrog
Ward: Talysarn

Proposal: APPLICATION UNDER SECTION 73 TO VARY CONDITION 6 ON PLANNING PERMISSION NO. C14/0471/17/LL TO ENABLE AN INCREASE IN OUTPUT
Location: CHWAREL MOEL TRYFAN QUARRY, RHOSGADFAN, CAERNARFON, GWYNEDD, LL547RF

Summary of the Recommendation: TO GRANT PLANNING PERMISSION

1 Description:

- 1.1 Moel Tryfan and Alexandra Quarry is a slate working site dating back to the early 19th century. It is located in an elevated position set against a wider background of existing old slate quarry workings and heathland and is visible from the higher, more mountainous terrain of the Snowdonia National Park to the east and the Arfon coastline to the west. The site is located on common land adjacent to a Public Right of Way and within a landscape conservation area and NRW's register of historic landscape (*Nantlle*). The site is located approximately 1100m south of the village of Rhosgadfan and 900m north of Y Fron.
- 1.2 The site was operational under the provisions of the current, 1951 permission producing roofing slates and rock products until financial implications brought about its closure in 1973. The site was included in the statutory list of old mineral working sites in 1995 and classified as "dormant" under the provisions of the Environment Act 1995. Gwynedd Council issued a determination, subject to an amended schedule of conditions under the Environment Act 1995 on 8th October 2007, to re-activate the winning and working of minerals and associated operations at the quarry.
- 1.3 The original Review of Mineral Permissions (ROMP) Determination Ref. CO7/0325/17/MW imposed a number of conditions including a restriction on the transport of quarry product from the site. Planning permission (C14/0471/17/MW) dated 5 November 2014 sought to relax the restrictions imposed under condition 6 to allow an increase in output from 10,000 to 20,000 tonnes per annum, subject to a maximum of four loads per day. A recent grant of permission under ref. C13/1296/17/LL, made provision for the upgrading of part of the quarry access road, formation of a marshalling/stockpiling area and the widening of the vehicular access point to enable heavy goods vehicles (HGVs) negotiate the existing access point more safely.
- 1.4 This application is made under Section 73 of the Town and Country Planning Act to vary condition 6 of planning permission C14/0471/17/LL so as to remove the upper annual output limit of 20,000 tonnes per year and enable an increase in output and which will be the subject of further assessment in this report. It is proposed that the amended condition reads as follows;

"Except with the prior written agreement of the mineral planning authority material shall be removed from the quarry at a maximum rate of no more than four HGV loads per day. Figures of the output from the site over any specified period shall be made available to the local planning authority within 21 days of request."

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1.5 The application has been screened for an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The proposal does not fall within any of the development criteria in Schedule 1 but does fall within the description of development under Paragraph 2 to Schedule 2 (Extractive Industry) where the applicable thresholds and criteria include 'all development'. Also Paragraph 13 to Schedule 2, applies to any changes or extension of development already authorised. Having assessed the likely impact of the development proposals on the environment using the selection criteria under Schedule 3, it is considered that the likely impact of the development on the environment is insufficient to justify the submission of an environmental statement with the application.

1.6 This application is reported to the planning committee upon the request of a local member from an adjoining ward on the grounds of problems associated with heavy quarry traffic in the area.

2 Relevant Policies:

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

2.2 Gwynedd Unitary Development Plan 2009:

- STRATEGIC POLICY 2 - **The Natural Environment**
- STRATEGIC POLICY 3 - **Built and Historic Environment**
- STRATEGIC POLICY 7 – **Minerals**
- STRATEGIC POLICY 16 – **Employment**
- POLICY A2 - **Protect the Social, Linguistic and Cultural Fabric of Communities.** Safeguard social, linguistic or cultural solidarity within communities against significant harm due to the size, scale or location of proposals.
- POLICY B10 - **Protecting and Enhancing Landscape Conservation Areas.** Safeguard and enrich Landscape Protection Areas by ensuring that proposals conform with a series of criteria aimed at avoiding significant damage to recognised features.
- POLICY B12 - **Protecting Historic Landscapes, Parks and Gardens.** Protection of landscapes, parks and gardens of special historic interest in Wales from developments which will cause significant harm to their character, appearance or setting.
- POLICY B18 - **Protecting Regionally Important Geological /Geomorphological Sites (Rigs).** Refuse proposals which are likely to cause significant damage to Regional Important Geological/Geomorphical Sites (RIGS) unless the need for the proposals outweighs the value of the site.
- POLICY B23 - **Amenities.** Protection of the amenities of local communities through securing that, proposals comply with a series of criteria which aim to protect recognized features and the amenities of the locality.
- POLICY B33 – **Development That Creates Pollution or Nuisance.** Protection of public health, safety or amenities, or to the quality of the built or natural environment as a result of higher levels of pollution.
- POLICY C9 - **Mineral Development Outside The Llyn Area of Outstanding Natural Beauty.** To permit sites for mineral development based on a series of criteria which

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involve the principles concerning the amenities of local residents, landscape impacts, operational details and the means of working the material produced.

- POLICY C10 - **Contribution to the Supply of Aggregates.** To have regard to current national policy for maintaining a landbank of aggregates minerals and the relevant guidance in Minerals Technical Advice Note MTAN (Wales) 1: Aggregates.
- POLICY C12 - **Buffer Zones.** Planning applications for mineral extraction within the buffer zones identified on the proposals maps will be refused unless a new buffer zone can be provided to reflect the minimum distances referred to in MTAN1: Aggregates.
- Policy CH22 - **Cycling Network, Paths and Rights of Way.** All parts of the cycling network, footpaths and rights of way will be protected by encouraging proposals to incorporate the above satisfactorily within the development and by refusing proposals which will prohibit plans to extend the cycling network, footpaths or rights of way. If this is not possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route.
- POLICY CH33 - **Safety on Roads and Streets.** Development proposals will be approved if they can conform to specific criteria regarding the vehicular entrance, standard of the existing road network and traffic calming measures.
- **2.3 National Policies:**

- Policies, guidance and general principles set out in the Welsh Government Planning Policy Wales Edition 8 (February 2016),
- Policies, guidance and general principles set out in the Welsh Assembly Government Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004)
- North Wales Regional Technical Statement on Aggregates (First Review 2014)
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 11: Noise (October 1997)
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 18: Transport (March 2007)
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 23: Economic Development (February 2014)

3 Relevant Planning History:

- 3.1 2259 - Proposed continuation of workings at Moeltryfan and Alexandra Quarries, Cesarea – Approved 11th December 1951.
- 3.2 Alexandra Bach Slate Waste Tip – Notification received 22 November 2004 for the removal of approximately 60,000 tonnes of material from the mineral-working deposit. Deemed planning permission under Part 23 (b) of the General Permitted Development Order 1995.
- 3.3 Crown New Slate Tip – Notification received 19 May 2004 for the removal of approximately 13,000 tonnes of material from the mineral-working deposit. Deemed planning permission under Part 23 (b) of the General Permitted Development Order 1995.
- 3.4 C07A/0325/17/MW - Determination of conditions for a Dormant Phase 1 Mineral Site under Schedule 13, Paragraph 9 to the Environment Act 1995, was registered with the authority on 1st May 2007. Gwynedd Council as Mineral Planning Authority determined on the 8th October 2007 that the winning and working of minerals and

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associated operations at Moeltryfan and Alexandra Quarry, as permitted by planning permission No.2259 dated 11th December 1951, be subject to a schedule of conditions as amended.

- 3.5 C09A/0207/17/MW - Granted subject to conditions on 20th April 2009 – Erection of a secure compound, structures, containers, sedimentation tanks and the installation of machinery for the manufacture of architectural slate and slate craftwork products. Facilities are required for the cutting of slate blocks extracted from the quarry in the preparation and manufacture of architectural slate products and craftwork and it is essential that a secure compound and workshop is established in the interests of the viability of the minerals operation.
- 3.6 C13/1296/17/LL – Granted subject to conditions on 19th March 2014 – Alterations to existing highway access and access track improvements together with the formation of a temporary area for the storage of processed mineral.
- 3.7 C14/0471/17/MW – Granted subject to conditions on 5th November 2014 – Variation of condition 6 attached to the ROMP determination C07A/0325/17/MW to allow an increase in quarry output from 10,000 to 20,000 tonnes per annum subject to a maximum of four loads per day.
- 3.8 C15/0571/17/MW – Granted subject to conditions on 1st September 2015 – Part-retrospective application for the retention of a quarry stocking area, reconstruction of a building to provide administrative and welfare accommodation, siting of a weighbridge & removal of a slate tip in order to re-align the quarry haul route.

4 Consultations:

Llandwrog Community Council: No Objection, subject to regular monitoring by the planning authority to ensure compliance with the output restriction.

Public Protection: No Response

Gwynedd Highways & Transportation Unit: No objection to an increase in output but not an increase in the number of heavy haulage movements.

Would stress that an informal agreement had been reached with the quarry operator for haulage vehicles to use the Penygroes & Carmel route to the quarry where possible.

Gwynedd Public Rights of Way Unit: No Objection

Natural Resources Wales: It is not considered that an increase in output from the quarry will have an adverse impact on the Moel Tryfan Geological SSSI.
The quarry is located within the Nantlle Landscape of Outstanding/Special Historic Interest. Whilst this is not a statutory designation, Chapter 6 of Planning Policy Wales states that this is a material consideration in the planning process and must be given due regard when reaching a determination.
Operator must ensure that an increase in output does not lead to any discolouration or sedimentation of watercourses.

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Quarry Inspectorate:	No Response
Gwynedd Council Registration Unit (Common Land):	No Response
Welsh Government (Common Land):	No Objection
Uwchgwyrfai Grazers Association:	No Response
Crown Estates Mineral Agent:	Crown Estates owns property on adjoining land to the quarry but has yet to agree for the applicant to use the Crown Estate land.
Public Consultation:	<p>A notice was placed at the quarry access with neighbouring residents informed by letter on the 28th January 2016. A press notice publicised the application in the Caernarfon & Denbigh Herald on the 3rd February 2016. Two letters of objection have been received which object to the proposal on the following planning grounds;</p> <ul style="list-style-type: none"> • Potential increase in output up to 36,000 tonnes per year using vehicles with a 30-tonne payload, • Longevity of the minerals operation at Moel Tryfan, given the increase in quarry output, • Noise and vibration, • Proximity of residential properties to the site access & haul route, • Suitability of the quarry haul routes & local road infrastructure to accommodate articulated vehicles and the transport of plant machinery, • Quiet rural location, • Potential damage to adjacent property from haulage vehicles, • Safety of other road users and pedestrians in surrounding villages. <p>The following are representations are not material planning considerations;</p> <ul style="list-style-type: none"> • Perceived changes to the overall quarry development plan, • Review of speed limits, • Safety and wellbeing of agricultural livestock, • Appropriate signage & road markings, • Insufficient publicity on the application.

Assessment of the material planning considerations:

5 The principle of the development

5.1 Gwynedd Council, along with all of the Welsh Authorities have endorsed the Regional Technical Statement produced by the North Wales Regional Aggregates Working Party which was the subject of a review in 2014. 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. The

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main purpose of the statement is to set out the strategy for the provision of the aggregates in the North Wales region.

- 5.2 This application proposes a variation of condition 6 on planning permission C14/0471/17/MW, so as to maintain the permitted output of 4 loads per day but remove the overall restriction of 20,000 tonnes per annum,. The proposed variation of the condition follows a recent permission for improvements to the existing access and haulage road together with the formation of a marshalling compound for the loading and stockpiling of quarry product.
- 5.3 The mineral operation at Alexandra is served not only by material extracted from the working face of the quarry, as permitted under the ROMP determination, but also from two slate waste tips, afforded permitted development rights for the removal of material from a mineral-working deposit. However, the provisions of conditions attached to the existing permission control the overall site output to four loads per day.
- 5.4 In terms of the need for the development, the proposal does not constitute an extension to the authority's landbank of hard rock reserves, with respect to current national policy and guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement. The purpose of the application is to increase the output capacity of the quarry. In this regard, the development conforms to policies C9 & C10 of the Gwynedd Unitary Development Plan.
- 5.5 In addition to the principles of the need for the development, the essential planning issues in this case are assessed below.

6 Visual Amenities

- 6.1 This application is for a variation of condition only and does not involve any addition to quarry infrastructure and therefore no material change to the visual impact of the operation.
- 6.2 Any visual impact associated with this development will be principally from the stockpiling and loading of material within a stocking yard recently established on the top plateau of a slate tip, but also, the use of a small marshalling area at the foot of the incline.
- 6.3 Only a limited amount of material will be stored within the stockpiling areas at any one time. Within the visual envelope of more extensive configuration of slate waste tips in the locality, stockpiles of slate product will not significantly impact upon the current visual appearance of the area and will certainly not create any adverse impact on the locally designated landscape conservation area or landscape of outstanding historic interest.
- 6.4 The development conforms to policies C9, B10, & B12 of the Gwynedd Unitary Development Plan.

7 General and residential amenities

- 7.1 Minerals development has the potential to cause environmental impacts of dust, noise & vibration generated as a consequence of extraction and processing operations. However, the principal consideration with this application is the use of articulated vehicles carrying an increased payload from the quarry. With the exception of a

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recent permission for the re-alignment of the quarry haul route, the crushing and screening of mineral is undertaken within the quarry and any increase in aggregates production and the associated impacts of noise, dust and vibration will be confined to the limitations of the quarry working. It is not considered therefore that there will be any material impacts on residential amenity attributed directly to quarrying operations, with the exception of increased internal haulage from the quarry to the product storage area.

- 7.2 Both Minerals Planning Policy Wales and MTAN1: Aggregates have established the principle of buffer zones around mineral extraction sites, where the objective is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Sensitive development is defined in MTAN1 as; *“any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity is expected”*.
- 7.3 MTAN1 recommends a minimum distance of 100 metres for sand and gravel operations and others where no blasting is permitted, although the Gwynedd UDP specifies a 200m buffer for all slate operations including mineral working deposits. The guidance further states however that research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction and any processing operations, followed by traffic, noise and blasting.
- 7.4 The suite of conditions imposed on the minerals consent as well as ancillary developments at the quarry provide sufficient controls to limit the impact of operational hours, noise, dust on the amenities of the area. Although no change to the number of daily loads, the proposal nonetheless increases the output capacity of the minerals operation.
- 7.5 The potential for noise impacts will arise from the operation of plant and machinery and the movement of material from the minerals site to the local highway network. There are noise-sensitive properties within 120m of the established haul route, most notably Reifl Fawr located directly opposite the site access.
- 7.6 A noise impact assessment submitted in support of the recent application for improvements to the access track and establishment of a temporary storage area, indicated that noise levels generated from the loading of material and haulage movements along the improved access track are predicted to be 5db below the threshold of 10 decibels above existing background noise levels at adjacent sensitive properties, in accordance with the MTAN1 guidance. It is considered that there will be no significant change in terms of noise impacts in that the number of daily haulage movements will remain at a maximum of four per day.
- 7.7 The main impacts of this proposal would appear to be the potential for noise and dust attributed to haulage operations impacting on adjacent properties and surrounding settlements. Notwithstanding, the proposal does not include any change in the geographical extent of the operation but does include for a potential, 80% increase in output from 20,000tpa to 36,000tpa. However, this may be achieved without any net increase in haulage movements or extension of working hours at the site.
- 7.8 It is considered therefore that the proposal to amend the planning condition to remove the upper limit of 20,000 tonnes per annum, whilst restricting vehicle movements to four loads per day will not have a detrimental impact on the amenities of the area and therefore conforms to policy B23 of the UDP (amenities).

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8 Traffic and access matters

- 8.1 In response to consultation, the highways and transportation service have no objection to an increase in output but not an increase in the number of heavy haulage movements.
- 8.2 The turning circle at the site access has recently been improved under a specific grant of planning permission in order to accommodate HGVs. There is no planning reason to place a restriction on the size of vehicle that may be used to transport material from the site and there is no weight restriction imposed on the adjoining highway. There is nothing therefore to restrict the transport of finished product from the site using articulated lorries with a 30-tonne payload under the terms of the existing permission.
- 8.3 The output is currently capped at 20,000 tons per year at a maximum rate of no more than 4 loads per day. Typically, an eight-wheeled vehicle carrying a 20-tonne payload could carry as much as 480 tonnes of material from the site in any given week. Based upon 50-week working year, this could achieve a total output of 24,000 tonnes. As such, HGV's carrying 30-tonne payloads could achieve a maximum of 36,000 tonnes per annum without increasing the number of daily loads or breach the restriction in working hours of 07.30 – 18.00 hours Monday to Friday and 07.30 – 13.00 on a Saturday. In reality however, market demand for certain types of slate product and aggregates will require the use of both 8-wheeled & larger articulated vehicles and quarry output is unlikely to achieve the full quota of 36,000 tonnes per annum.
- 8.4 Notwithstanding, it is considered that the condition retains the requirement for output figures over any specified period to be made available to the mineral planning authority.
- 8.5 A further grant of permission will be required for the use of the lower marshalling yard beyond 2017 should it transpire that articulated vehicles are unable to ascend the former incline to the main product storage area. Currently, 8-wheeled vehicles are able to access the site following the re-alignment of the haul road under a recent grant of permission in 2015.
- 8.6 Given that there will be no change to the number of daily loads, it is considered that the proposal is acceptable in principle in that the development is compliant with Policy CH33 of the Unitary Development Plan.

9 Public Rights of Way, Crown Land and Common Land

- 9.1 The site is located on Uwchgwyfai Common Land with the access currently running alongside public footpath No. 46 for approximately 190m. In response to consultation, the public rights of way officer confirmed that there was no objection to the proposal.
- 9.2 The proposal therefore complies with the requirements of Policy CH22 of the Unitary Development Plan.
- 9.3 In addition to an application for planning permission, consent is also required from Welsh Government to carry out the works. Any planning permission will also require a 'note to applicant' confirming the issue of their consent to carry out the works

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under ‘The Works on Common Land, etc (Procedure) (Wales) Regulations 2012 (“the Works Regulations”).

- 9.4 In response to consultation, the Crown Minerals Estates office confirmed that the revised proposals, i.e. to withdraw the haulage route through Y Fron, do not impact on Crown Land to the east of the quarry workings.

10 Sustainability matters (See ‘Principle of the Development).

11 Site Drainage

- 11.1 In response to consultation, Natural Resources Wales requested that the operator must ensure that an increase in output does not lead to any discolouration or sedimentation of watercourses. Given that the variation in condition will not involve any structural works, the same conditions as existing will apply to the protection of local watercourses. It is considered therefore that the proposal complies with the requirements of Policy B33 of the UDP (pollution & nuisances).

- 11.2 Whilst not the subject of this planning application, additional drainage works has recently been implemented within the quarry and alongside the access track.

12 The Economy

- 12.1 Slate quarrying has been part of the way of life in Gwynedd for centuries and the legacy of its activities has become as much a part of the culture and landscape of the area as the Welsh language and scenery. The application details state that the development would maintain local employment and it is considered that there would therefore be benefits to the local economy. Currently the quarry provides employment for 3 full-time workers as well as 1 seasonal post in addition to staff (haulage & machine operatives) employed directly by Welsh Slate.

- 12.2 In respect of strategic Policy 16 of the UDP, the assessment of the respective criteria of having an impact on the environment, the area’s cultural characteristics or the amenities of nearby residents has been addressed in this report. The proposal will therefore be likely to make a positive contribution on the economy of the area in accordance with Strategic Policy 16 and Policy A2 of the Unitary Development Plan.

13 Response to the public consultation

- 13.1 The main concerns raised by third parties in response to consultation the application consists mainly of the potential impact of an increase in heavy haulage on the amenities of local residents and surrounding settlements.

- 13.2 The Local Planning Authority has considered these representations as material considerations in preparing a recommendation for this application. Furthermore, the material considerations relevant to this proposal have been assessed having regarding to the relevant planning policies and guidance and it is not considered that that there is justification to refuse this application.

14 Conclusions:

- 14.1 The planning matters for consideration here is the possible impacts of increased haulage movements on the amenities of local residents and the local highway network. It is considered that:

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- There is unlikely to be any apparent change in site working conditions or visual impact of the development. There are no overriding planning policy issues sufficient to warrant refusal of planning permission and issues relating to operational controls are well established on this site.
- The proposal will not involve an increase in the number of daily haulage movements and there will be no significant change in terms of noise, vibration and dust impacts which are subject to regulatory control via planning conditions.
- It is considered that the proposal will not have a direct or indirect (physical & non-physical) impact on the Historic Landscape Character Area (Policy B12),
- The proposal will enable the quarry to best exploit the reserves of slate for aggregate, architectural material and other uses and in doing so, will secure long-term employment opportunities in the area with a direct and significant contribution to the local economy (strategic policy 16).
- It has already been established with the determination of the scheme of working and schedule of conditions attached to the ROMP determination that the development is acceptable in principle. The development would contribute to the sustainable supply of slate products in Gwynedd and conforms to national, regional and local mineral planning policy requirements (specifically Policy C9, C10 & C14).
- Condition 6 of the permission does not place a restriction on the size of vehicle that may be used to transport material from the site and there is no weight restriction imposed on the adjoining highway. As such, HGV's carrying 30-tonne payloads could achieve a maximum of 36,000 tonnes per annum without increasing the number of daily loads or breach the restriction in working hours of 07.30 – 18.00 hours Monday to Friday and 07.30 – 13.00 on a Saturday and the proposal therefore conforms to Policy CH33 of the UDP (Highway Safety).
- It is considered therefore that the proposal to amend the planning condition to remove the upper limit of 20,000 tonnes per annum, whilst restricting vehicle movements to four loads per day will not have a detrimental impact on the amenities of the area and the proposal therefore conforms to policy B23 (amenities) of the UDP.
- The turning circle at the site access has been improved under a specific grant of planning permission in order to accommodate HGVs.

15 Recommendation:

15.1 To grant planning permission to amend condition 6 as follows:

Except with the prior written agreement of the mineral planning authority material shall be removed from the quarry at a maximum rate of no more than four HGV loads per day. Figures of the output from the site over any specified period shall be made available to the local planning authority within 21 days of request.

15.2 Also, all conditions currently in force on the existing permission to control noise, dust, blast vibration, site drainage, pollution control, archaeological matters, sequence & review of operations and restoration will be included in the new permission.