
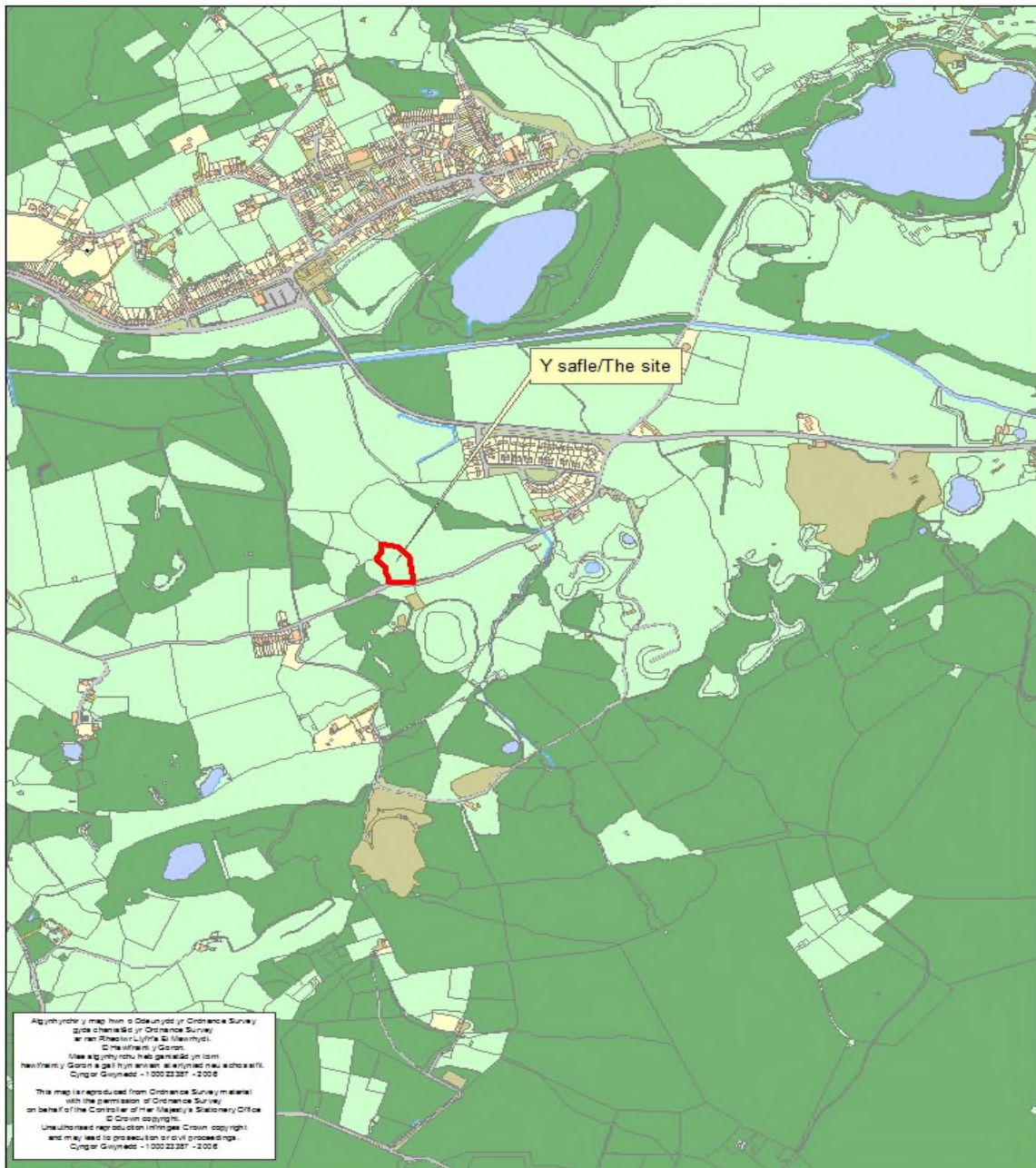


Number: 2

	Rhif y Cais / Application Number : C14/0645/22/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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Number: 2

Application No: C14/0645/22/MW
Registration Date: 10/07/2014
Type of Application: Minerals
Community: Llanllyfni
Ward: Llanllyfni

Proposal: RE-SUBMISSION OF A PREVIOUSLY REFUSED APPLICATION FOR THE REMOVAL OF MATERIAL FROM A MINERAL WORKING DEPOSIT TOGETHER WITH ANCILLARY PROCESSING OPERATIONS

Location: TOMEN LLECHI DOLBEBIN SLATE TIP, TALYSARN, CAERNARFON, GWYNEDD

Summary of the Recommendation: TO REFUSE PLANNING PERMISSION

1. Description:

1.1 The site is located on the south side of the Nantlle valley adjacent to the Bro Silyn housing estate and approximately 160m north-east of Tanrallt.

1.2 This is a re-submission of an application (ref. C13/1052/22/MW), for the removal of part of a slate tip that was refused planning permission in January 2014. The decision notice is appended to this report but in summary, the Council's reasons for refusal were as follows:

- Need for the mineral, sufficient permitted reserves of slate in Gwynedd,
- Visual amenity, no restoration proposals,
- Contrary to buffer zone policy & impact on residential amenity,
- Insufficient information submitted to determine the impact of the proposal on the local water environment.

1.3 The proposals include for 7,500m² of working within part of a mineral working deposit measuring 3.16ha, together with ancillary processing operations and compound area. The application plans indicate a reduced footprint of the ancillary processing area and site compound to that which was originally submitted with the previous application No. C13/1052/22/MW. Whereas the original proposals resulted in the loss of Rhos Pasture, the application plans have been modified so that the site compound is formed within the toe of the tip embankment. Slate material recovered in the construction of the compound would be used in the formation of an access track to the B4418 as permitted under planning permission, C11/1140/22/LL.

1.4 Amended details submitted in support of the current application include a revised statement informed by an ecological report and noise impact assessment undertaken in August 2014. The application statement does not provide a comprehensive breakdown of the proposed amendments, rather the proposed changes are inferred in the supporting information. Such amendments include for:

- The removal of all slate crushing activity,
- Revised noise assessment undertaken in August 2014,
- Methodology for ecological mitigation and restoration strategy,
- Site compound to be located within the footprint of the tip.

The above changes to the application have been assessed in more detail under the relevant sections of this report.

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- 1.5 A total of 150,000 tonnes is to be removed over a period of 8 years and only part of the tip would be worked in accordance with the submitted proposals, i.e. average of 19,000 tonnes of slate waste removed per annum at a rate of up to six, 15-20 tonne loads per day. The total resource of slate held within the whole tip is in the order of 2 million tonnes. The exploitation of the remainder of the mineral resource would be the subject of separate planning application and screening under the provision of the EIA Regulations.
- 1.6 It is proposed that the development be served by a dedicated haul route permitted under planning permission C11/1140/22/LL with direct access onto the B4418, i.e. the same as for the permitted development rights established under Part 23 Class B on 15th November 2012, for the removal of material from a mineral working deposit on adjacent land. It should be noted however that the permission for an access track under C11/1140/22/LL is time-limited to expire in July 2015.
- 1.7 The application statement confirms the method of working by utilising a 360° digger as well as hand selection, to commence extraction from the top of the tip in 3-4 metre high benches. From the application details, the proposal includes working Monday to Friday from 8.00am to 6.00pm together with Saturday working for haulage and materials loading from 9.00am to 12.00 noon. There is very little information to confirm the exact nature of any processing operations, only that the extent thereof will be restricted to the removal of re-processable slate with the product thereafter taken from the site and sold to merchants, building and civil works contractors. It is only stated in the supporting noise impact assessment that crushing activity is specifically excluded from the development proposals, where the respective estimation of specific noise levels takes only account of operations involving the excavation and loading of materials.
- 1.8 The amended proposals include for a single-phase restoration strategy to be implemented upon the cessation of operations. The application details also include provision intended for mitigation in that the smaller of the two slate waste tips, which is subject to permitted development under Part 23B of the GPDO 1995, will remain untouched so as to act as a buffer between the site operations and the settlement of Tanrallt, in the event that planning permission was granted for this planning application.
- 1.9 The proposed development does not fall within the description and criteria set out in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The development does fall within the description of development set out in paragraph 2 to Schedule 2 of the Regulations (quarries, open cast mining and peat extraction). Having screened and assessed the proposal in accordance with the development criteria under Schedule 3, it is considered that the likely impact of the development on the environment is insufficient to justify the submission of an environmental impact assessment with the planning application.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the 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 A3 – **Precautionary Principle.** Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt at the end of that the impact can be avoided or alleviated.

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POLICY B7 - Sites of Archaeological Importance. Proposals that will damage or destroy archaeological remains of national importance or their setting (whether scheduled or not) will be refused. A development which affects other archaeological remains will be permitted only if the need for the development overrides the significance of the archaeological remains.

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 B14- Protecting the Landscape Character of the Snowdonia National Park. Protecting the Landscape Character of the Snowdonia National Park. Proposals which would adversely affect the qualities and special character of the Snowdonia National Park will be refused unless they can comply with a series of criteria which aim to manage, enhance and protect the Park designation.

POLICY B17 - Local Wildlife Sites. Refuse proposals that are likely to cause significant harm to sites of regional or local significance unless they comply with a set of criteria which aim to protect, promote and manage recognized features of these sites.

POLICY B20 - Species and Their Habitats That Are Internationally and Nationally Important. Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B21 - Wildlife Corridors, Habitat Linkages and Stepping Stones. Safeguard the integrity of landscape features which are important for wild flora and fauna unless it can be shown that reasons for the development override the need to maintain the features and that mitigating measures can be provided.

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 B32 - Surface Water. Proposals that do not include flood minimisation or mitigation measures that will reduce the volume and rate at which run off reaches rivers and other watercourses will be refused.

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 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.

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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 C13 – **Slate**. Proposals for extracting and working slate must conform to a series of criteria in Policy C9 together with geotechnical and economic justification, that there is a need for the development and that the existing quarry cannot fulfil that need.

POLICY C14 - **Restoration and Aftercare**. Applications for mineral working will be refused unless a scheme for restoration, aftercare and afteruse, including details of proposed funding is included.

POLICY C15 – **Removal of Material from a Mineral-Working Deposit**. Proposals for moving material from mineral working deposits must conform to Policy C7 as well as a number of criteria including matters concerning relocation of the material.

POLICY CH28 - **Impact of Development on Journeys**. Proposals for developments on a large scale will be refused if they cause a substantial increase in the number of journeys made in private vehicles where measures to reduce the environmental impact have not been introduced. Developments which are planned and designed in a way that promotes the most acceptable environmental and sustainable modes of transport will be favoured.

POLICY CH33 - **Safety on Roads and Streets**. Development proposals will be approved if they can conform with 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 Minerals Planning Policy (Dec 2000),

Policies, guidance and general principles set out in the Welsh Government Planning Policy Wales November 2012,

Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 5: Nature Conservation and Planning (2009),

Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 6: Planning for Sustainable Rural Communities (2010),

Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 11: Noise

Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 18: Transport

Policies, guidance and general principles set out in the Welsh Assembly Government Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004),

3. Relevant Planning History:

- 3.1 Planning application C11/1140/22/LL, granted subject to conditions on 30th July 2013 for the construction of a new track to serve slate tip together with creating a new access, time-limited to expire in July 2015.

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3.2 Notification and submission of appropriate details in accordance with Part 23, Class B to Schedule 2 of the General Permitted Development Order 1995 received on 26th October 2012, to remove material from the smaller of the two mineral-working deposits at Dolbebin, Tanrallt.

3.3 Planning application C13/1052/22/MW for the removal of material from the Dolbebin mineral working deposit refused planning permission on 22nd January 2014.

4. Consultations:

Llanllyfni Community Council: Object to the application on the grounds of the proximity to residential properties and the impacts of noise.

Gwynedd Public Protection: Following a re-assessment of the development proposals and a revised noise report undertaken in August 2014, the applicant has failed to demonstrate that the development in terms of noise impact is able to comply with the relevant guidance in MTAN1: Aggregates (Welsh Assembly Government 2004). There are sensitive properties within a buffer zone as defined under policy C12 of the Unitary Development Plan and as recommended in Minerals Planning Policy Wales with properties at Bro Silyn & Glyn Isfryn within 100m of the development boundary.

The recommendation of the Public Protection Service remains unchanged, that the application be refused and furthermore, it is not possible to fully assess the revised noise report on account of the following inconsistencies:

- The results of the revised noise assessment (August 2014) indicate an increase in background noise of between 8dB – 11dB in comparison with the levels taken during the 2013 noise assessment. However, the revised assessment should not be used on account of the noise measurements being taken whilst agricultural machinery was operational in the adjacent field and the results therefore do not provide a representative sample of background noise for the area,
- MTAN1 states that noise from mineral workings should be restricted to 10 decibels above a specific background noise level. The noise report refers to the absolute noise level restriction of 55dB LAeq which is not relative to this development, given that background noise levels are below 45dB (A),
- Noted that weather conditions (wind) has also increased background noise levels during the August 2014 survey which does not provide a representative sample of background noise for the area,
- Do not agree with the details provided on the assessment of noise from HGVs, where a 1 hour sample taken on a single day is not considered as sufficient information to provide a full appraisal of the traffic flow in the area.

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Gwynedd Highways & Transportation Unit:

No objection. The proposal in relation to the construction of a vehicular access and the potential impacts on the local highway network remains unchanged and the same notes and conditions as for the previous application are recommended, namely:

- In terms of transport, an average output of 4-6 loads per day is acceptable and unlikely to have an adverse impact on the local road network.
- Cross-sections submitted with the application indicate the extent of extraction is not immediately adjacent to Lon Ddwr and is unlikely therefore to undermine the local road infrastructure.

Welsh Water:

No Response

Gwynedd Council Biodiversity Unit:

To refuse planning permission unless it can be demonstrated that the proposal will adequately compensate for biodiversity loss;

- The excavation of the slate tip and area of mature ash and willow will result in the loss of valuable biodiversity habitat (open mosaic habitat of previously developed land) list under the Natural Environment and Rural Communities Act 2006 and Wildlife Site,
- Small tip & western extent of the application area, i.e. areas not to be worked, are existing habitat and do not constitute compensation measures, which should include tree planting and habitat translocation,
- Concerns regarding indirect biodiversity impacts associated with the proposal, i.e. construction of a track and possible ancillary development areas,
- 2014 Ecological Method Statement provides suitable measures to avoid harm to reptiles, and no vegetation, shrubs or trees should be cleared during summer months to avoid disturbance to nesting birds (condition).

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Natural Resources Wales: No objection subject to the following observations, as submitted with the previous application;

- Permitting and pollution prevention aspects subject to pre-application advice issued on 29th May 2012 which confirms a number of watercourses in the area linked to the Afon Llyfni,
- Statutory obligation to prevent runoff into watercourses and a need therefore to protect these watercourses from slate fines, as slate contains aluminium which will cause a decline in fish population if allowed to enter the Afon Llyfni,
- Need for a robust pollution prevention engineering and methodologies during the construction and operational phase where clean water and dirty water separation is key,
- Processing area and compound to be as small as possible to reduce surface water runoff and to include containment and settlement for dirty water derived from crushing operations and wheel wash. Discharge consent may be required.
- Satisfied that the Ecological Report has been carried out to an acceptable standard and further advise that the proposed mitigation measures are adhered to,
- Proposal unlikely to have adverse impacts on water voles, otters and bats,
- Recommend that further advice is sought from the authority's internal ecology adviser with respect to local biodiversity and other species and habitats listed in section 42 of the Natural Environment and Rural Communities Act 2006.

National Park Authority: No observations on the application.

Gwynedd Archaeological Planning Service: Following advice the same as for the previous application on application C13/1052/22/MW:

- Concur with the findings of both the Archaeological Assessment and ASIDOHL2 report (*Assessing the Significance of Impacts of Development On Historic Landscape*),
- Numerous post-medieval industrial archaeological remains affected by the proposed mineral extraction and the potential for further remains revealed during the course of extraction that are currently hidden under the slate waste,
- Should planning permission be granted, include a planning condition to ensure appropriate archaeological mitigation is undertaken prior to and during the proposed development to secure an agreed level of archaeological recording,
- ASIDOHL assessment concludes a moderate impact on the Nantlle Valley Landscape of Outstanding Historic Interest due to the extraction area being shielded to the north and east by natural hillslopes and quarry tips.

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- Essential that the north-facing part of the tip complex is not disturbed, in that any deviation from the application plans would have a considerable impact on the registered landscape of historic interest,
- Authority to consider the issue of effective monitoring, given the potential accidental disturbance and encroachment of plant machinery outside of the area of development.

Gwynedd Council Economic Development:

No response on the current application, but comments submitted on the original proposal advised that:

- Current proposals are not considered to have a negative impact on the Slate Quarries World Heritage Site Bid. Setting a precedent for further planning consents however may constitute a negative impact,
- Similar planning proposals for minerals development to be considered on their own merits not as a matter of precedent,
- Site of archaeological importance requires specific features to be recorded or conserved,
- Proposal will have a moderate impact on historic landscape. Further developments however may have a detrimental impact on the integrity of the attributes of the Historic Landscape in light of the World Heritage site bid,
- Employment opportunities is likely to be welcomed locally,
- Possible effects attributed to noise, dust and pollution of watercourses having an impact on the developing vision for Dyffryn Nantlle as an outdoor tourist destination.

Inspectorate of Quarries:

No Response.

Gwynedd Council Flood Risk Management and Coastal Erosion:

No response on the current application, but comments submitted on the original proposal advised that;

A watercourse runs through or is adjacent to the site. Recommend the following conditions on the grant of any permission in the interests of the amenities of the area and neighbouring properties:

- The developer shall safeguard the watercourse and submit details of such provision for the approval of Gwynedd Council in accordance with Section 23(1) of the Land Drainage Act 1991,
- The cost of safeguarding the watercourse shall be borne by the developer,

The above conditions shall also apply if it is the intention of the developer to culvert the watercourse in accordance with Section 263 of the Public Health Act and Section 23(1) of the Land Drainage Act 1991.

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Betsi Cadwaladr University
Health Board:

- Size of development relatively small with 7 residential properties located within the nominal buffer zone and a further 36 properties located within 200 metres of the permitted access track.
- Potential for noise and dust impacts,
- Noise assessment confirms low background noise and that proposed activities will exceed the MTAN noise limits at three noise-sensitive receptors. Noted that the predicted noise levels are accounted for in the application details as the worst case, assuming all plant is working at the closest point to each receptor,
- Predicted routine operational noise not anticipated to exceed 55dB & crushing operations not to exceed the temporary MTAN1 noise limit of 67Db,
- Noise impact from traffic negligible when compared to existing movements on the B4418,
- Limited nuisance on nearest residential property. Impose mitigation measures outlined in the noise impact report to ensure that the principles of 'Best Available Technology' are adhered to at all times,
- Concur with the results of the dust impact assessment, that a small increase in local air quality due to the operation of a crusher is likely to be of short duration and should at no time result in air quality objectives being exceeded,
- Planning conditions to mitigate for the impacts of noise and dust,
- Possible cumulative impacts of 5 active slate operations within a radius of 2km & potential for further public health considerations to be taken into consideration should the remainder of the 2 million tonnes of slate resource be developed in the future.

Public Consultation:

A notice was placed at two locations close to the site and neighbouring residents were informed by letter on 17 July 2014 as well as a notice appearing in the local press on the 24th July 2014. Further consultation on amendments to the application was undertaken in November 2014 together with two site notices posted in the vicinity of the application site.

A petition signed by 293 individuals object to the proposal on the grounds of the detrimental impact of the proposal on landscape, homes in the area and on wildlife. A further 231 letters of objection have been received at the time of writing this report, which highlight the following concerns:

- Negative Impact on the amenities of local residents, a deprived objective 1 area and existing local businesses. Questionable economic benefits of a short-term, time-limited proposal,
- Proximity of residential properties & sensitive development to the proposal and in direct sight of the extractive operations. Application of a 200m buffer in accordance with Policy C12 of the UDP,

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- Contrary to current UDP & national planning policy guidance,
- Sufficient resources of slate waste already exist without the need to remove material so close to residential properties. Proposal contrary to policy C10 of the Gwynedd UDP and the need for the mineral. Other quarries in the Nantlle valley currently with sufficient reserves and operating at reduced capacity,
- Lack of clarity with the current application and the issue of setting a precedent to remove the remaining resource of 2 million tonnes held in the tip, possible extended amenity impacts,
- Impacts on the recreational use of Lon Ddwr, walking, riding & cycling. Impact on play areas,
- Low existing background noise, tranquillity of a rural area, noise levels & frequency of disturbance not comparable to existing noise generated by agricultural machinery,
- Misinterpretation of noise control guidance in MTAN1, inadequate investigation, validity of report & discrepancy in predicted noise attenuation levels and application of the relevant BS standards,
- Question the sound levels for plant & machinery as the basis for predicting noise impact,
- Increase of 15 – 29dB above existing background noise detrimental to the amenities of the area. Absolute limit of 55dB not applicable to this site,
- Applicability of a temporary 67dB noise level to crushing and screening operations,
- Crushing and screening operations, balance of economic pressures against the effectiveness of noise attenuation measures. Exact details of plant machinery not specified,
- Practicality of monitoring/enforcing the noise & dust mitigation stated in the application,
- Cumulative impacts of the development with other mineral operations in the area,
- Weekend working, (6 days a week) & operational hours,
- Land topography not adequately assessed in respect of noise impacts (natural amphitheatre effects) & phasing of operations where neighbouring properties will be exposed to plant noise during extractive operations on the higher elevations of the tip,
- Meteorological data used in the application (Capel Curig) not relevant to the weather conditions of the locality and the resultant impacts on noise and dust,
- Negative impact of the development on local air quality and the potential to impact on individuals with respiratory diseases, risk of silicosis,

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- Negative impact of the development on local air quality & possibility of impacts on individuals with respiratory diseases, risk of silicosis,
- Haulage impacts on a wider area, traffic, transport routes, mud & detritus affecting road users & pedestrians,
- Tip stability and the impact of operations on road safety along Lon Ddwr,
- Impact on landscape character and visual amenity including the Nantlle Valley Historic Landscape,
- Industrial heritage, archaeology, social and cultural impacts,
- Nature conservation, impacts on flora and fauna, capacity of slate waste tips to regenerate and support habitat & wildlife, loss of candidate wildlife site S.42 list NERC Act 2006, wetland habitat, tree cover and habitat for protected species of birds and bats,
- Extended nature conservation impacts, species not covered due to the timing of the ecological survey,
- No detailed restoration proposals or plans,
- Contrary to local, national and European guidance to promote biodiversity,
- Potential to compromise Gwynedd Council's bid to UNESCO to include the Slate Quarries as a World Heritage Site.
- Alternative transport methods suggested,
- Impact of the proposal on social, linguistic & cultural fabric of the community contrary to policy A2 of the Gwynedd UDP & Potential loss of a community facility at Tanrallt,
- In breach of UDP Policy A3 with respect to a precautionary approach and sustainable economy where appropriate mitigation cannot alleviate a serious detriment to the local community and environment,
- Proposal contrary to policies C9, C12 & C15 of the Gwynedd UDP with respect to the impacts on the amenities of local residents,
- Detrimental impacts of noise and dust on two established recreational and tourism based businesses at Tanrallt which could result in the loss of employment for 17 people in connection with running and servicing these facilities. Proposal for quarrying in this location will compromise the UDP's aims and objectives to develop tourism, self serviced holiday accommodation and a niche market for specialized activities under policies D13 & D14,
- Employment opportunities offered by the proposal will be offset by a reduction in demand from existing sites, resulting in job losses,
- Impact of the proposal on slate waste tips as a feature of the historic environment.
- Safety risks associated with a mineral operation located in close proximity to a residential area,
- Application unchanged, no mitigation in respect of the reasons for refusal of C13/1052/22/MW,
- Sustainability of the proposal and suitability of slate waste as an aggregate,

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- Insufficient information on the impact of the proposal on the local water environment and potential for polluted surface water runoff contaminating tributaries to the Afon Llyfni,
- No drainage infrastructure proposed including the location of a wheelwash, storage of hazardous materials (fuels & toilet facility) & capacity to deal with waste arisings (fines),
- Contradictions, inaccuracies, errors, omissions in the application details,
- Footprint of the processing area & capacity to accommodate plant machinery, welfare facilities & stockpiles of material,
- Agricultural operations in adjacent fields at the time of the revised noise measurement survey in August 2014,
- Viability of 'hand-dug- techniques to produce aggregates. Concerns remain regarding use of plant & machinery,
- Two independent noise reports conclude that the operational noise levels will exceed the predicted noise levels cited in the 2013 noise report.

In addition to the above, the following representations were not considered valid planning objections:

- Lack of notification on the associated application for the construction of an access track under C11/1140/22/LL, which was granted permission in July 2013,
- Validity of the notification under Part 23B of the General Permitted Development Order to remove the adjacent, smaller slate waste tip at Dolbebin, Tanrallt,
- Brief and Superfluous objections, e.g. '*it is wrong*', '*Don't do it*' & '*I object*',
- Government aid to re-grade and stabilize the tip in the 1980's,
- Financial viability of the operation,
- Impact on property value,
- Land ownership & certification,
- Access onto Lon Ddwr,
- Non-material errors in the application statement, e.g. name of applicant & name of tip,
- Proposal only a money-making opportunity for the applicant.
- Requirement for an Environmental Impact Assessment.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The permitted development secured under Part 23B of the General Permitted Development Order in October 2012 for the removal of material from the adjacent mineral working deposit, does not set a precedent in respect of this application for planning permission which is to be considered on its merits, in accordance with the policies of the Unitary Development Plan as well as national and regional planning policy guidance.
- 5.2 In June 2008, the Gwynedd Council Board resolved to endorse the Regional Technical Statement produced by the North Wales Regional Aggregates Working Party. The North Wales Regional Technical Statement has been the subject of review and consultation and has since been endorsed by all of the local councils in Wales in August 2014 together with Ministerial approval. 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 main purpose of the statement is to set out the strategy for the provision of the aggregates in the North Wales region.

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- 5.3 As a Mineral Planning Authority, the Council 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. Gwynedd has a long history of mineral extraction and it remains an important facet of its economic and social make up. There are extensive deposits of a variety of materials suitable for aggregates in North Wales, particularly igneous rock, sand & gravel and limestone. Slate workings in Gwynedd has been traditionally been associated with the production of high quality roofing material, but more recently its application has ventured into architectural sawn slabs, decorative building materials as well as the exploitation of slate waste as a secondary aggregate to substitute traditional primary resources.
- 5.4 The principle of re-working slate tips is accepted in principle as an alternative to proposals involving the winning and working of material from the virgin rock.
- 5.5 With the introduction of the aggregates levy in 2002, there has been an increased use of slate waste to substitute primary hard rock reserves, given that slate is exempt from the imposition of a basic rate of £2.00 per tonne of aggregates. The Gwynedd Unitary Development Plan recognises that slate waste is a valuable resource that can be used as an alternative source of aggregate and which eases the pressure on primary mineral resources. However, the UDP also recognises that; *"..... the supply of slate waste for aggregate use may not, in the widest sense, be the most sustainable option in either commercial or environmental terms. For example, to meet the required specification slate waste may require processing which in itself consumes energy; this product is then used to displace products that are already available as a by-product of processing operations at primary rock quarries"*.
- 5.6 In respect of slate as a source of aggregate, the RTS review consultation document 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. Both categories are included in the overall figures for crushed rock production within the North Wales RAWP reports and, over the 10-year baseline period, have accounted for between 5.3% and 16.2% of total crushed rock sales, with evidence of a rising trend in both proportion and actual sales up to a peak in 2007"*. The RTS review further states however that production of slate as aggregate, as with other hard rock reserves has since fallen during the current recession although the proportion of slate in the total crushed rock sales remains high.
- 5.7 In consideration of regional requirements, the RTS confirms that; *"most slate aggregate is used locally within north west Wales and there is little to suggest that the existing pattern of supply either needs to change or is capable of doing so"..... " ...this could potentially happen if there were to be a significant increase in the Aggregates Levy, giving slate aggregates a further price advantage, but the reverse could be true if the Aggregates Levy were to be abolished, in line with the ongoing legal challenge being pursued by the British Aggregates Association"*.
- 5.8 With respect to the need for the development, Policy C15 of the UDP states that proposals for the removal of material from a mineral working deposit must conform to a series of criteria in Policy C9 and C10 having regard to current national policy for maintaining a landbank of mineral reserves in accordance with the guidance contained in MTAN1 (Wales) Aggregates and the Regional Technical Statement.
- 5.9 The total apportionments for Gwynedd, as calculated by the First Review of the RTS are 4.4 million tonnes for land-won sand & gravel and 6.75 million tonnes for crushed rock. These compare with existing land banks of 0.7 million tonnes for sand & gravel and 8.51 million tonnes for crushed rock (22 years as at 31st December 2010). There is therefore a shortfall of sand and gravel for which new allocations totalling 3.7 million tonnes will need to be identified in the LDP. In view of the small surplus of existing crushed rock reserves however including slate, no crushed rock allocations are specifically required. The reserve figures are based on sites with a planning permission and which are submitted to the RAWP secretary as part of the annual report.

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In terms of reserves of slate waste, although difficult to assess with any precision, it has been estimated that there are about 20 Million tonnes of slate waste available to be worked as a by-product of roofing slate production at sites in Blaenau Ffestiniog and Bethesda but also pillar working at Llechwedd where there is an unspecified, but potentially huge level of reserves within a permitted extraction area covering 750,000 m².

- 5.10 The local market is already served by active sites at Ty Mawr/Tyn y Weirglodd, Pen yr Orsedd and Moel Tryfan with further reserves at Twll Llwyd. There is no evidence to suggest that existing sites, in terms of both capacity and reserves cannot cope with the current or projected demand for slate products. There is neither an argument that this tip has the ability to supply slate of different colouring and texture characteristics to slate supplied from active sites and therefore in terms of local or regional need and there is no justification therefore for a new slate extraction site in the Nantlle Valley.
- 5.11 Whilst the principle of secondary mineral extraction is acceptable, subject to the consideration of all other material planning considerations, it is considered that in terms of local and regional need, the development does not comply with National and Regional Planning Policy and Guidance as well as the requirements of Policy C9, C10 & C15 of the Unitary Development Plan.
- 5.12 In addition to the principles of the need for the development, the essential planning issues in this case are;
- The sensitivity of the landscape - Landscape Conservation Area & Landscape of Outstanding Historic Interest,
 - The impact of the proposal on local biodiversity including the potential to pollute the local water environment,
 - The requirement to monitor quarrying operations and the effects on the amenities of the area, i.e. impacts of noise, dust, haulage and working hours,
 - Cumulative impact of mineral extraction with other operations in the area,
 - The economic and social desirability of promoting local employment,
 - The potential to apply measures for long term mitigation of landscape degradation based on continued working for a finite period of time & the opportunities for appropriate restoration.

Visual Amenities

- 5.13 Landscape character may be described as the combination of landscape elements, patterns, quality, scale landform and land-use which make an area distinctive from another and creates a sense of place. Within slate quarrying landscapes, there is a unique aesthetic cumulating in features of industrial heritage and nature conservation interest.
- 5.14 The extraction area comprises only part of a slate waste tip which is a prominent landscape feature located on the floor of the Nantlle Valley between the settlement of Tanrallt and the Bro Silyn estate. Policy C15 of the Unitary Development Plan, '*removal of material from a mineral-working deposit*', sets out the development criteria for such proposals being granted provided that amongst other requirements, the removal of material will not cause significant harm to visual amenity and that the operation will not cause significant harm to the historic environment or cultural heritage of the Welsh slate industry.
- 5.15 An Assessment of the Significance of the Impacts on Historic Landscape Areas (ASIDOHL) has been submitted in support of the application which makes an appraisal of the direct and indirect (physical & non-physical) impacts of the development on the surrounding historic landscape with a selection of viewpoints showing the location of the development in context of its setting within specific landscape compartments.

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- 5.16 The ASIDHOL assessment states that the proposal needs to be considered in light of its direct physical impact on two character areas within the Historic Landscape, 09 Nantlle Slate Quarries and 49 Floor of the Nantlle Valley but in addition, the indirect (mainly non-physical, visible) impact on the Historic Landscape Character Areas of; 07 Tal y Sarn, 08 Gloddfa'r Coed, 09 Nantlle Slate Quarries, 15 Nebo, 25 Moel Tryfan lower slopes & 49 Floor of the Nantlle Valley.
- 5.17 The ASIDOHL assessment concludes that the overall impact of the proposal would have a moderate impact on the Nantlle Valley Landscape of Outstanding Historic Interest, but with locally higher impacts on Talysarn and Gloddfa'r Coed. Impact on other landscape character areas are tempered to a degree in that the development will be partly shielded, by the natural hill-slope shelf which obscures views of the quarry from the south and by the configuration of the remainder of the tip to views from the north and east. The report further states however that care should be taken to avoid disturbing the profile of that part of the tip, which does not form part of this application, in particular the north-facing part of the tip, should not be disturbed as it shields the proposed development from the main Nantlle quarrying complex.
- 5.18 Gwynedd Archaeological Planning Service concur with the findings of the report which concludes that further equivalent or larger scale development on the same tip complex would potentially have a considerable impact on the outstanding historic landscape of the Nantlle Valley.
- 5.19 In light of the above it should be borne in mind that part of the application area abutting Lon Ddwr was subject to a Government funded reclamation scheme in the 1980s to re-grade the tip embankments, and the original configuration of that part of the tip has since been disturbed. Notwithstanding, as a consequence of the reclamation works, the tip plateau and sections of the tip embankments have been host to a regeneration of grasses, ground vegetation with tree cover establishing on parts of the tip.
- 5.20 The application proposes the removal of 150,000 tonnes of slate waste over a period of approximately 8 years in a single-phase strategy with restoration implemented thereafter upon the cessation of mineral operations. Such a strategy is reflective of the limited footprint of the proposed working but it is also noted in the application details that "*additional parts of the tip may be excavated in the long-term, subject to separate planning applications and ecological assessments*".
- 5.21 The methodology for site restoration and habitat mitigation are closely linked and the general approach set out in the application statement and ecological report is reflective of various techniques already implemented on many slate workings in Gwynedd. The strategy recognises that the slate tip is a habitat for a range of flora and fauna and the restoration objectives aim to enhance biodiversity by promoting a type of habitat mosaic that will encourage a greater diversity of invertebrates, birds, reptiles and other fauna. The proposals also include for an aftercare and monitoring regime to be further agreed with the Mineral Planning Authority.
- 5.22 Whilst the methodology and general approach to restoration is acceptable in principle, there is a lack of clarity in the application proposals in respect of drawings or plans to indicate specific restoration objectives for a diverse site topography, i.e. level areas of original ground and sheer embankments of slate waste as indicated on the application plans & sections. Whilst the existing tip slope facing Tanrallt is for the most part, a steep embankment of slate waste approximately 25m in height, it is not entirely an uniform structure. Upon closer inspection its configuration comprises of a series of gently undulating, convex deposits which may be attributed to the tipping regime but also, secondary working including squatter occupation 'gwaliau'. Regeneration is sparse on such difficult terrain, but there are nonetheless pockets of ground vegetation, trees and shrubs where the tip surface is compacted with slate fines or where leaf litter collects in hollows.
- 5.23 The scope of restoration is limited by the scale of mineral operation and the implementation of a single-phase restoration strategy. In terms of long-term visual impact, the development will form a steep cutting within the tip embankments resulting in a partially worked out slate tip and the

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main concern here is the treatment of the excavated faces in order to encourage plant growth. Given the single-phase restoration strategy set out in the application proposals, the upper sections of the working face will be exposed for the duration of operations with no net restoration benefit for a longer period following the cessation of extraction. It is considered that a phased approach could be applied to the upper benches in the interests of the visual amenities of the area. Paragraph 97 of MTAN1 is of relevance here where it states; “restoration and aftercare must provide the means to maintain or, wherever possible, enhance at the earliest opportunity the long-term quality of land that has been used for mineral extraction, so that it may become suitable for a beneficial use”. In accordance with the normal procedure expected of restoration schemes for such applications, the final tip profile should be the subject of detailed plans, drawings and a restoration strategy to include refuge areas & bunds, as noted in the ecological report, in order to replicate the variation in tip structure characteristic of the existing tip.

- 5.24 The Unitary Development Plan states under Policy C14, ‘Restoration And Aftercare’, “...the Council must be satisfied before an application is determined that no matter how long the development, the site can be properly restored and brought back into beneficial afteruse within a recognisable timescale”. The criteria requirements of Policy C9 also state that proposals include a scheme for the afteruse of the site and details of the restoration and aftercare required to achieve it.
- 5.25 The ASIDOHL assessment, in accordance with Policy B12 the Unitary Development Plan, concludes that overall, the proposal would have a moderate impact on the Nantlle Valley Landscape of Outstanding Historic Interest. However it is considered that the proposal will have a detrimental impact on the visual amenities of the area during the operational phase and for some time thereafter.
- 5.26 In terms of visual amenity, it is considered therefore that the proposed development does not comply with the requirements of Policy B10, C9, C14 & C15 of the Unitary Development Plan as well as national planning policy guidance.

General and residential amenities

- 5.27 A number of objections have been received which highlight issues concerning potential nuisance and the impact of the proposal on residential amenities, specifically the impact on those properties that fall within a notional buffer zone of 200 metres as prescribed under Policy C12 of the Unitary Development Plan. The sequence of operations and method of working will be a key factor with respect to amenity considerations, specifically air quality, dust, vehicle/plant emissions, noise and provision of adequate screening to mitigate for such impacts. The amended proposals include for a single-phase restoration strategy to be implemented upon the cessation of operations.
- 5.28 The application plans indicate a reduced footprint of the ancillary processing area and site compound to that which was originally submitted with the previous application No. C13/1052/22/MW. Amended details submitted in support of the application include a revised noise impact assessment undertaken in August 2014 and the removal of all crushing activity. There is very little information in the application statement to confirm the exact nature of any processing operations, only that the extent thereof will be restricted to the removal of re-processable slate with the product thereafter taken from the site and sold to merchants, building and civil works contractors. It is only stated in the supporting noise impact assessment that crushing activity is specifically excluded from the development proposals, where the respective estimation of specific noise levels takes only account of operations involving the excavation and loading of materials. It should be noted however that the development proposals do not specifically exclude all processing operations that have the potential to generate noise and dust, e.g. the use of mobile screening plant. Also, with the implementation of a single phase development strategy, more operational land will become available as the scheme of extraction progresses into the tip.

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- 5.29 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*”.
- 5.30 A buffer zone is defined from the outer edge of the area where extraction and processing operations will take place, including site haul roads and that a notional buffer zone will be applied to all new applications for mineral working. MTAN1 recommends a minimum distance of 100 metres for sand and gravel operations and others where no blasting is permitted. 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. In respect of workings involving the removal of material from mineral-working deposits, Policy C12 of the Unitary Development Plan adopts the principle of minimum separation distances as proposed in MTAN1. It categorically states that hard rock quarries, including extraction from hard rock mineral working deposits will be subject to a 200m buffer zone.
- 5.31 The proposed area of working at its nearest point is located approximately 90m from the residential property of Glyn Isfryn but which also includes a ménage and horse riding school at a distance of approximately 25 metres. However, there are 7 properties at Tanrallt located within the notional buffer zone of 200m applied to the boundary of the proposal as prescribed under policy C12 of the Gwynedd UDP with a further 36 properties at Bro Silyn that lie within 200m of the access track. Policy C12 further states that in cases where the notional buffer zone cannot achieve the minimum distances required, developments will be refused.
- 5.32 Specific noise and dust impact assessments have been submitted in support of the application and in response, third party representations have expressed concerns about the intrusive nature of a minerals development in a rural area. The application is not supported by specific air quality data for Tanrallt, but rather the report bases its findings on the best available data. The dust report concludes that based upon the air quality index published on the Welsh Air Quality Forum, there may be a small decrease in local air quality due to the operation of a crusher, but is likely to be of short duration and should at no time result in air quality criteria levels being exceeded.
- 5.33 The report also states that properties at Tanrallt and Glyn Isfryn sit at a higher elevation, where crushing and processing operations will be suitably screened by trees. Further mitigation is proposed by not implementing the permitted development rights for the removal of the slate waste tip on the western flank of the site, which will also serve to screen the processing yard. In respect of extractive operations however, the application statement confirms the method of working by utilising a 360° digger as well as hand selection to commence extraction from the top of the tip in 3-4 metre high benches. Notwithstanding the potential impacts of noise and dust from the loading and processing of material, those phases of the development that require access for plant and machinery to the upper levels of the slate deposit, will mean that extractive operations will be exposed to most of the properties of Tanrallt.
- 5.34 In response to consultation on the revised proposals, the recommendation of the Public Protection Service remains unchanged in that the application be refused. The original noise report undertaken in 2013 states that operations at the site are predicted to be 20 decibels above existing background noise levels at adjacent sensitive properties, whereas MTAN1 states that noise from mineral workings should be restricted to 10 decibels above the specific background noise level. The 2014 noise report however refers to the absolute noise level restriction of 55dB LAeq which is not relative to this development, given that background noise levels are below 45dB (A). The Public Protection Service further state that it is not possible to fully assess the revised noise report on account of a number of inconsistencies. The results of the revised noise assessment (August 2014) indicate an increase in background noise of between 8dB – 11dB in comparison with the levels taken during the 2013 noise assessment. However, the revised assessment should not be

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used on account of the noise measurements being taken whilst agricultural machinery was operational in the adjacent field together with the impacts of weather conditions at the time (wind). The results therefore do not provide a representative sample of background noise for the area.

- 5.35 Noise attenuation and the calculation of predicted sound levels for plant and machinery has been challenged by objectors with specific reference to B.S. 5228. Local residents have commissioned two independent, professional noise reports at their own cost which conclude that background noise in the area is low and that the predicted operational noise levels are likely to exceed the adopted noise levels as cited in the 2013 noise report. It should be noted however that the decision to commission an independent, professional assessment of noise impacts was the sole decision of Tanrallt residents and such information should be treated as that which is submitted in support of a third party objection to a planning application. However, both of the 'residents' reports appear to support the Public Protection officer's objection on the grounds of low existing background noise and the predicted noise impacts not meeting the MTAN 1 requirements.
- 5.36 For the properties of Bro Silyn, it is considered that the most intrusive element will be HGVs using the haulage track in that the extractive and processing operations will be screened by the larger part of the tip. It should be noted however that there is a likelihood of cumulative impacts of mineral extraction, including blasting, with operations at the adjacent Ty Mawr and Tyn y Weirglodd as the respective phases of development advance westwards to within 130m of the Bro Silyn estate. Furthermore, the Public Protection Service confirm in their consultation response that they do not agree with the details provided on the assessment of noise from HGVs, where a 1 hour sample taken on a single day is not considered as sufficient information to provide a full appraisal of the traffic flow in the area.
- 5.37 Following a re-assessment of the development proposals and revised noise report undertaken in August 2014, the applicant has failed to demonstrate that the development in terms of noise impact, is able to comply with the relevant guidance in MTAN1: Aggregates (Welsh Assembly Government 2004). It is considered therefore that the proposal alone, or in combination with other mineral developments in the area is likely to have a detrimental impact on the amenities of the area and is contrary to policy B23 of the UDP (amenities) and policy C12 (buffer zones).

Traffic and access matters

- 5.38 A notification and submission of appropriate details in accordance with Part 23, Class B to Schedule 2 of The General Permitted Development Order 1995 received on 26th October 2012, to remove material from the smaller of the two mineral-working deposits at Dolbebin. Planning application, C11/1140/22/LL, was granted permission subject to conditions on 30th July 2013 for the construction of a new track to serve the Part 23B slate tip together with the creation of a new access.
- 5.39 Objections do highlight the wider impacts of haulage attributed to this application and in particular, the Mott Mac Donald traffic report (*Mott Report*) as a material consideration on the refusal of an application on appeal in 2003, to remove the remainder of material from the Petris Square slate tip.
- 5.40 The Mott Macdonald report was commissioned in order to carry out a study to investigate the potential effects on the highway network that may arise as a result of increased interest in the use of slate waste, generated as a result of the financial advantage given to secondary aggregates (slate waste) by the aggregates levy. It was considered at the time that the impacts of heavy haulage on the settlement of Penygroes were already at a critical level with any increase having a detrimental impact on road safety and on the amenities of local residents. The report was produced in 2002 and in comparison with the situation today; the position in terms of permitted output from the Nantlle direction remains consistent, although the total haulage impacts on the village of Penygroes is reduced on account of economic climate, the closure of Cilgwyn landfill and the cessation of mineral operation at Trosglwyn Tip, Carmel.

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- 5.41 In response to consultation, the transportation unit confirmed that haulage traffic derived from the operation at an average output of 4 to 6 loads per day is acceptable and unlikely to have an adverse impact on the local road network. In addition, cross-sections submitted with the application indicate the extent of extraction is not immediately adjacent to Lon Ddwr and is unlikely therefore to undermine the local road infrastructure.
- 5.42 Although the operation will have direct access onto the B4418, it should be borne in mind that the respective planning permission is time-limited to expire in July 2015, to reflect the planning position in respect of permitted development when granted. Subject to the submission of a new application secure the use of a track, it is considered that the proposal is acceptable in principle in that the development is compliant with Policies CH33 & CH28 of the Unitary Development Plan.

Biodiversity Matters

- 5.43 The application site is contained within an area of biodiversity potential and a local, candidate wildlife site under policy B17 of the Gwynedd Unitary Development Plan having UK biodiversity priority habitats listed under S.42 NERC Act 2006, i.e. quarry spoil, marshy grassland; acid neutral flush.
- 5.44 In respect of the resource of slate waste, it is stated in the original ecological report that the grassland sward on top of the Dolbebin tip is short and lacks the structurally diverse mosaic microhabitat favoured by reptiles, although the area of deposit abutting rush pasture contains a more diverse mix of bracken, bramble and mature deciduous trees. Slate tips nonetheless have been found to be an excellent habitat for invertebrates such as dingy skipper, found recently at the Dorothea site 1km due east. As already stated, the restoration objectives aim to enhance biodiversity by promoting a type of habitat mosaic that will encourage a greater diversity of invertebrates, birds, reptiles and other fauna.
- 5.45 In response to consultation, Natural Resources Wales (*NRW*) confirmed that whilst there are issues that require additional permits and consents under their specific remit, it has no objection to the proposal and is satisfied that the Ecological Report has been carried out to an acceptable standard. NRW further advise that provided that mitigation measures outlined in the report are adhered to, it is unlikely that the proposal will have adverse impacts on water voles, otters and bats. NRW recommend however that further advice is sought from the authority's internal ecology adviser with respect to local biodiversity and other species and habitats listed in section 42 of the Natural Environment and Rural Communities Act 2006.
- 5.46 The original proposals included for 1,200m² of ancillary processing area/site compound within an area of purple moor-grass and mosaic acid grassland habitat which is included in the Section 42 list of Habitats of Principle Importance for the conservation of biological diversity. In response to concerns by Gwynedd Council Biodiversity officers, the current proposals have been amended to include a reduced footprint of the ancillary processing area and site compound to that which was originally submitted. Whereas the original proposals resulted in the loss of Rhos Pasture, the application plans have been modified so that the site compound is formed within the toe of the tip embankment. The amount of Rhos pasture being lost is therefore consistent with the amount of land required for the installation of an access track in accordance with the approved plans of planning permission ref. C11/1140/22/LL.
- 5.47 To mitigate for the loss of biodiversity, the applicant proposes that the smaller tip, afforded permitted development rights under Part 23B will remain untouched but also a reduction in the extraction area in order to maintain the screen of scrub oak and ash on the south-western tip embankments. The restoration proposals favour heathland and biodiversity enhancement. In response to consultation on the amended proposals and ecological method statement, Gwynedd Biodiversity commented that, the excavation of the slate tip and area of mature ash and willow will result in the loss of valuable biodiversity habitat (open mosaic habitat of previously developed land) list under the Natural Environment and Rural Communities Act 2006 and Wildlife Site. Notwithstanding the proposed mitigation measures set out in the application, these

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are existing habitats and do not constitute compensation. Compensation should include habitat translocation and tree planting before the commencement of extraction.

- 5.48 The application plans do not include any drainage details only a reference to pre-application advice on permitting and pollution aspects of the proposal issued by the Environment Agency. It is recognised that there are a number of watercourses linked to the Afon Llyfni and the Agency issued pre-application advice stating that there is a statutory obligation to prevent runoff into watercourses and a need therefore for robust pollution prevention engineering and methodologies during the construction and operational phase, where clean water and dirty water separation is key.
- 5.49 The processing area has been reduced in size to minimise the risk of polluted surface water runoff entering local watercourses but also, on account of crushing operations having been removed from the development proposals. There is no information submitted with the application to confirm whether the installation of additional infrastructure is required in order to protect existing watercourses from slate fines derived from other processing operations, such as screening of materials, or ancillary operations such as a wheel wash. Consequently, if the principle of minerals development is established, further planning applications, or even notifications under permitted development may need to be submitted, should it be deemed necessary to install drainage facilities and infrastructure on adjacent land in accordance with NRW requirements. In this respect, there is concern shared with the biodiversity officer that there will be indirect biodiversity impacts associated with this proposal on adjacent area of rhos pasture.
- 5.50 It is considered therefore that on the basis of information submitted with the application, there will be limited impact on the local water environment and no Net Loss of Rhos pasture as defined in the Section 42 list of Habitats of Principle Importance for the conservation of biological diversity. Subject to a scheme of habitat compensation and/or tree planting, the proposal therefore complies to Policy, B17, B33, C9, C14 & C15 of the Unitary Development Plan as well as national planning policy guidance in Technical Advice Note 5: Nature Conservation and Planning.

Archaeological Matters

- 5.51 The site is contained within an area with a high industrial archaeological potential, although as mentioned before, part of the tip has been the subject of disturbance with the implementation of a Government funded scheme to re-profile the tip embankments where it batters down towards Lon Ddwr.
- 5.52 The report identifies a number of archaeological features within a study area that represents part of the rich multi-period historic landscape of the Nantlle valley with the slate tip itself of particular significance in that it is an example of a common local site type which demonstrates the strategies employed by squatter quarrymen to earn a living in difficult circumstances. As a result, features such as squatter occupation '*gwaliau*' and pockets of secondary working are common on this tip feature.
- 5.53 In response to consultation, Gwynedd Archaeological Planning Service confirm that a numerous post-medieval industrial remains will be affected but also, the potential for further remains may be revealed during the course of extraction, that are currently hidden by the slate waste. Given the archaeological resource of the site and the potential to discover further remains, the Archaeological planning Service recommend that, should planning consent be granted, a condition should be attached to ensure that appropriate archaeological mitigation is undertaken prior to and during the proposed development in accordance with national planning guidance.
- 5.54 The response of the Archaeological Planning Service does make the point however that tip features such as '*gwaliau*', located outside of the application boundary, are susceptible to secondary effects of mineral extraction. Given the unstable nature of mineral working deposits, vibration, erosion and encroachment of plant machinery need to be considered by the local

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planning authority in this regard. As with the ASIDOHL assessment, the archaeological planning service does re-iterate the point that it is essential that disturbance to the profile of that part of the tip which is not proposed to work is avoided, i.e. the north-facing part of the tip complex must not be disturbed.

- 5.55 The Archaeological Planning service recommends that the applicant agrees to further archaeological mitigation and recording. However, given the nature of the tip material and the potential for disturbance from the encroachment of the mineral operations, the extent of such mitigation would be the subject of a planning condition to include the whole tip in order to comply with the requirements of Policy B7 & B12 of the Unitary Development Plan.

Public safety and Public Rights of Way

- 5.56 The site will not be accessible to members of the general public. No footpaths or public rights of way cross the actual application area and there is no requirement therefore to make any provision for specific protection.
- 5.57 The proposal therefore complies with the requirements of Policy CH22 of the Unitary Development Plan.

Sustainability matters

- 5.58 See 'Principle of the Development'.

The Economy

- 5.59 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 local community council support the application on the grounds that the authority should have a strategy in place to remove slate tips in the Nantlle Valley. The question of need has been addressed in this report although the balance of issues with respect to the local economy needs careful consideration.
- 5.60 The application details state that the development will promote agricultural diversification, creating five jobs in a rural area and in response to consultation, Gwynedd Council Economic Development department provided comment on the previous application which remains valid for the current proposal where it is recognised that employment opportunities offered by the proposal is likely to be welcomed in the locality. The issue of mineral operations however is dealt with separately under Minerals Planning Policy Wales and MTAN1: Aggregates and does not feature specifically in TAN 6: '*Planning for Sustainable Rural Communities*'. The guidance only states that appropriate development takes place in the right place at the right time by making sufficient land available to provide employment opportunities for local people, and whether a proposed development enhances or decreases the sustainability of a community. It is the adopted policies of the current Unitary Development Plan however that set the land use planning framework for both rural and urban communities taking into account the social, economic and environmental characteristics of the area.
- 5.61 In response to publicity on the application, many third party responses bring into question the short-term economic benefits of the proposal in terms of its compatibility with local businesses and impact on other, tourist-based employment in the area. Gwynedd Economic Development further comment on the possible effects of noise, dust and pollution of watercourses having an impact on the developing vision for Dyffryn Nantlle as an outdoor tourist destination. The counter argument however is that there is no hard evidence to suggest that existing mineral operations in the Nantlle Valley are actually having a detrimental impact on the local tourist industry.
- 5.62 In terms of the economic impacts, there are arguments for and against and it is hard to predict with any real certainty whether or not the proposal will strengthen and diversify the local economy. In respect of strategic policy 16 of the UDP, the respective criteria of having an impact

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on the environment, the area's cultural characteristics or the amenities of nearby residents has been addressed in this report.

- 5.63 However, whilst acknowledging concerns regarding possible negative impacts on tourism related economy this is difficult to prove with hard evidence. Consideration must be given to the fact that the quarrying related industries had been an integral part of the economy in the Nantlle Valley for a number of years. The proposal in itself would create 5 jobs and it is considered that there would therefore be benefits to the local economy.

6. Response to the public consultation

- 6.1 The main concerns raised by third parties in response to consultation the application consists mainly of the potential impact of noise, dust, traffic, potential nuisance, local tourism and businesses and the impact of the proposal on the amenities of Tanrallt.

- 6.2 The Local Planning Authority has considered these objections as material planning considerations in part 5 of this report. Furthermore, the material considerations relevant to this proposal have been assessed having regard to the relevant planning policies and guidance

7. Conclusions:

- 7.1 There are a number of material planning considerations relating to this application and all these need to be weighed up in the context of the Unitary Development Plan and any other planning considerations, as part of the process of coming to a recommendation.

- 7.2 In terms of the local and regional need for the mineral, there is no evidence to suggest that existing sites, in terms of both capacity and reserves cannot cope with the current or projected demand for slate products and in terms of local or regional need and there is no justification therefore for a new slate extraction site in the Nantlle Valley. There is no requirement on the authority in terms regional apportionment to provide further reserves or allocations of hard rock or slate waste. The development therefore does not comply with National and Regional Planning Policy and Guidance as well as the requirements of Policy C9, C10 & C15 of the Unitary Development Plan. To minimise the visual and environmental impact of mineral development on the Nantlle Valley, the authority would first need to consider extensions to existing sites.

- 7.3 Further archaeological mitigation and recording is recommended for the whole tip complex.

- 7.4 Notwithstanding the conclusions of the ASIDOHL report, in the absence of specific plans and drawings of a phased scheme of restoration, aftercare and afteruse, it is considered that the proposal will have a detrimental impact on the visual amenities of the area both during the operational phase and upon the cessation of operations.

- 7.5 Subject to the submission of a new application secure the use of a track, it is considered that the proposal in terms of traffic impacts is acceptable in principle in that the development is compliant with Policies CH33 & CH28 of the Unitary Development Plan.

- 7.6 Following a re-assessment of the development proposals and revised noise report undertaken in August 2014, the applicant has failed to demonstrate that the development in terms of noise impact, is able to comply with the relevant guidance in MTAN1: Aggregates (Welsh Assembly Government 2004). It is considered that the proposal alone, or in combination with other mineral developments in the area is likely to have a detrimental impact on the amenities of the area and is contrary to policy B23 of the UDP (amenities) and policy C12 (buffer zones). It must be emphasised that the authority's Public Protection service object to the application and its approval may constitute a statutory nuisance on account of noise impacts from the development.

- 7.7 The proposal will provide employment for 5 persons which would be beneficial to the economy of the area.

PLANNING COMMITTEE	DATE: 12/01/2015
SENIOR MANAGER, PLANNING AND ENVIRONMENT SERVICE REPORT	CAERNARFON

7.8 The current application fails to overcome all of the reasons for refusal in the previous application. Having regard to all the relevant material planning considerations relating to this proposal, it is considered that the concerns regarding the visual impact and lack of restoration details, impacts of extractive operations on residential amenities and the need for the mineral outweigh the potential economic benefits and other considerations. The application therefore does not comply with the Gwynedd Unitary Development Plan and the relevant national planning guidance.

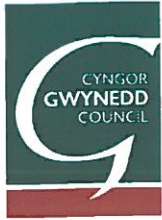
8. Recommendation:

8.1 To Refuse Planning Permission on the following grounds:

8.2 In terms of the local and regional need for the mineral, it is considered that there are sufficient reserves of slate in Gwynedd and there is no requirement on the authority in terms regional apportionment to provide further reserves or allocations of slate waste. The development therefore does not comply with National and Regional Planning Policy and Guidance as well as the requirements of Policy C9, C10 & C15 of the Unitary Development Plan. To minimise the visual and environmental impact of mineral development on the Nantlle Valley, the authority would first need to consider extensions to existing sites.

8.3 In the absence of specific plans and drawings of a phased scheme of restoration, aftercare and afteruse, it is considered that the proposal will have a detrimental impact on the visual amenities of the area both during the operational phase and upon the cessation of operations and the development does not comply with the requirements of Policy B10, C9, C14 & C15 of the Unitary Development Plan as well as national planning policy guidance.

8.4 It is considered that the proposal alone, or in combination with other mineral developments in the area is likely to have a detrimental impact on the amenities of the area and is contrary to policy B23 of the UDP (amenities) and policy C12 (buffer zones).



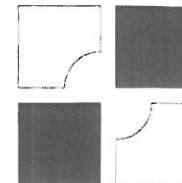
Rhif y Cais / Application Number : C14/0645/22/MW

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



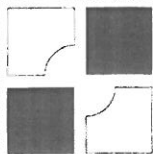
Atgynhyrchir y map hwn o Ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi.
© Hawffraint y Goron.
Mae atgynhyrchu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil.
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Drawn: T.H.D.
Checked: A.M.J.
Date: 10.11.2011
Scale: 1:1250

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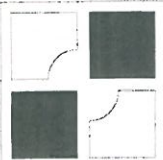
DRAWN : THD CHECKED : AMJ

JOB.
**Tomen Dolbebin
Talysarn
Gwynedd**

DRG.
Cynllun Safle Presennol

JOB NO.	DRG. REF.	REV.
4967	(91) 01	C



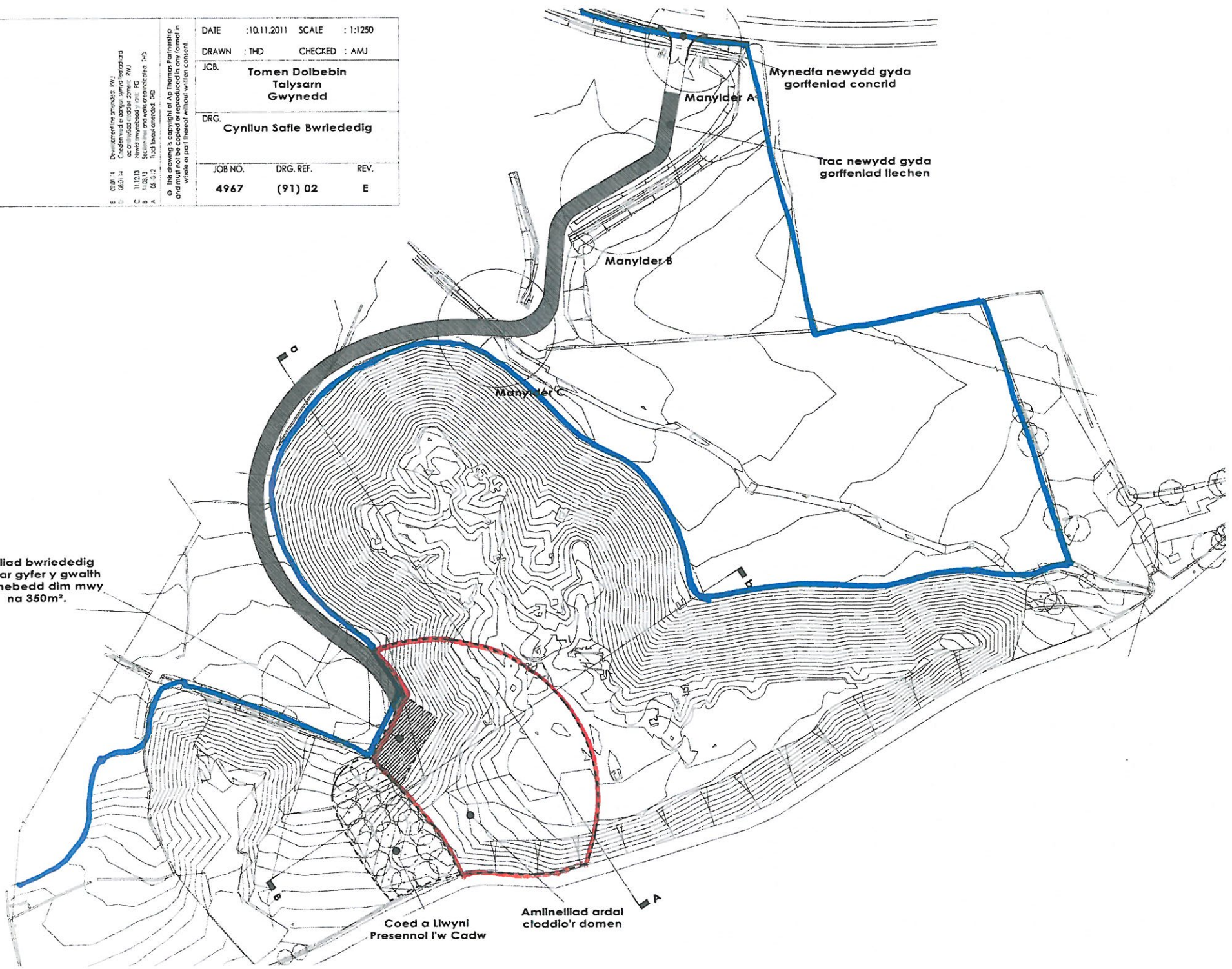


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E 03/01/14 Development line contracts (R/L)
 D 06/01/14 Caeleu i'w gwyro, 15m/10/09/09/20
 C 11/02/13 Newid mwynebuod - rhyw. PG
 A 05/03/12 Inad bwrdd amodau, HD

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DRG.	Cynllun Safle Bwriededig		
JOB NO.	4967	DRG. REF.	(91) 02
REV.	E		



Lleoliad bwriededig
 lard ar gyfer y gwallh
 Arwynebedd dim mwy
 na 350m².

Coed a Llwyni
 Presennol i'w Cadw

Amlinellad ardal
 cloddio'r domen

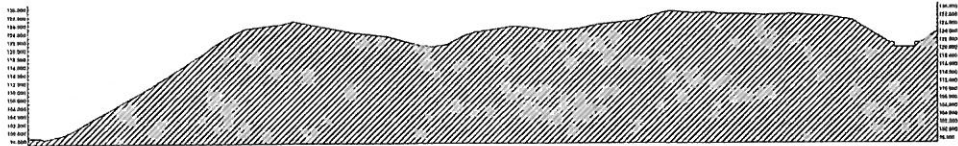
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Trac newydd gyda
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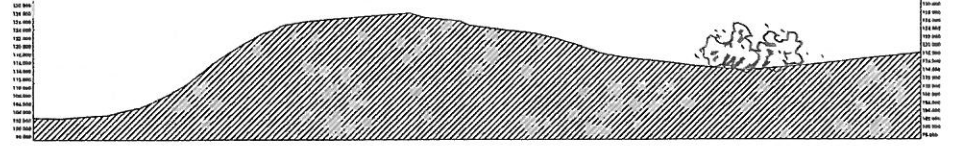
Manylter A

Manylter B

Manylter C



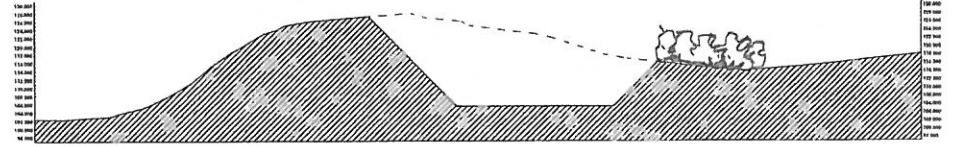
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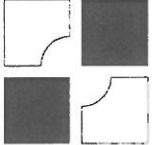
Torlada B - b Presennol



Torlada A - a Bwriededig



Torlada B - b Bwriededig

 <p>Ap Thomas Partnership Unit 13b Glys Cymen Parc Menai Bangor Gwynedd LL57 4DF 01248 670353 www.ap-thomas.com X3info@ap-thomas.com</p>	DATE : 15.07.2013	SCALE : 1:1250
	DRAWN : THD	CHECKED : AMJ
	JOB. Tomen Dolbebin Talysarn Gwynedd	
	DRG. Torlodau Safle Presennol a Bwriededig	
JOB NO.	DRG. REF.	REV.
4967	(92) 01	B

B 01/14 Adawrnod 5 to 8WJ
A 02/14 Adawrnod 8WJ
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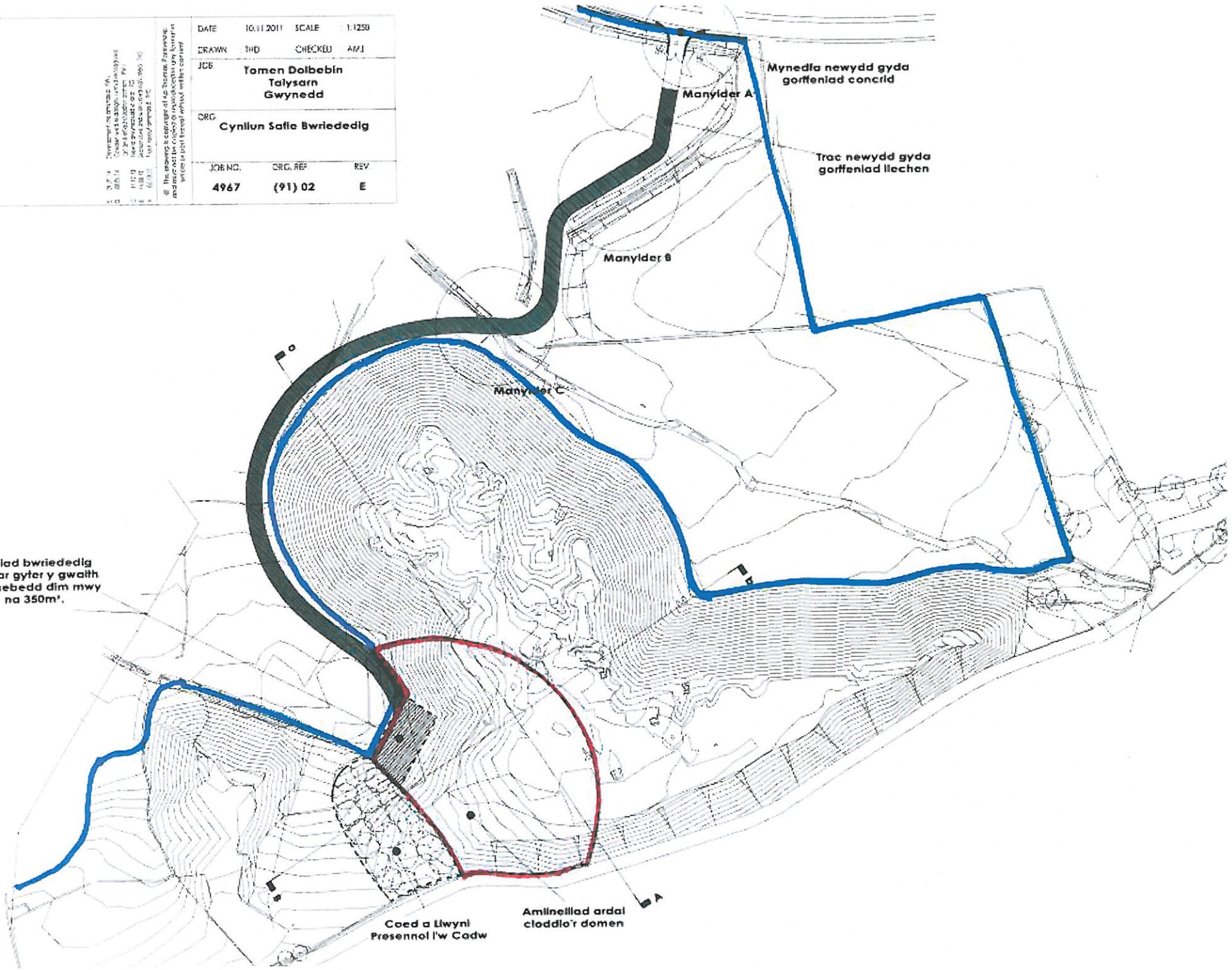


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JOB	Tomen Dolbebin Talysarn Gwynedd		
CRG	Cynllun Safle Bwriededig		
JOB NO.	4967	CRG. REF.	(91) 02
REV.	E		

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Arwynebedd dim mwy
na 350m².

Coed a Llwyni
Presennol i'w Cadw

Amlynellad ardal
cloddio'r domen