

PLANNING COMMITTEE	DATE: 05.06.17
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	SIAMBR DAFYDD ORWIG, CAERNARFON

**Number: 5**

**Application Number: C17/0107/19/LL**

**Date Registered: 02/02/2017**

**Application Type: Full - Planning**

**Community: Bontnewydd**

**Ward: Bontnewydd**

**Proposal: Application for temporary planning permission for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including;**

- **Site compound and provision of a maintenance shed, office accommodation, welfare and car parking facilities, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of a haul route.**

**Location: Seiont Quarry, Seiont Mill Road, Caernarfon, Gwynedd, LL552YL**

**Summary of Recommendation:**

TO AUTHORISE THE SENIOR MANAGER OF PLANNING AND PUBLIC PROTECTION SERVICE TO DETERMINE THE APPLICATION UNDER DELEGATION

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**1. Description:**

- 1.1 The Welsh Ministers propose to improve the A487 Trunk Road by providing a 9.7km long bypass for the settlements of Caernarfon and Bontnewydd. The A487 Trunk Road forms part of the strategic road network in North Wales that links with the A55 corridor further along the coast. The bypass scheme will relieve congestion problems in the Caernarfon and Bontnewydd area, providing a link between improved sections of Trunk Road and addressing the requirement for a consistent quality road infrastructure.
- 1.2 This is one of two current planning applications submitted for proposals to use the site in conjunction with the Caernarfon to Bontnewydd bypass scheme. The application site is a brick clay quarry and former brickworks factory located to the south of Caernarfon and consists of quarry workings, large areas of hardstanding on both sides of the River Seiont, rough pasture along the upper face of the workings to the east and a vehicular access connecting Seiont Mill Road and the roundabout at Pont Seiont.
- 1.3 The applicant has undertaken a full pre-consultation exercise on the development proposals in accordance with the in accordance with The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (the PAC Regulations). A full report with a summary of the consultation responses is provided with the planning application.
- 1.4 The scheme will include engineering works to widen the existing quarry haul road on south eastern working face. Allied to this scheme, the small compound established on the brickworks yard will be extended to provide a secure contractor's compound with offices, welfare facilities, car parking, the erection of a plant maintenance shed, asphalt & concrete batching plants, materials processing facility and bunded fuel store for the duration of the bypass contract.
- 1.5 There are economic, logistical and environmental benefits to be derived from the use of the quarry in connection with construction of the proposed A487 Caernarfon to Bontnewydd bypass. Seiont Quarry is located immediately alongside the proposed bypass route and will satisfy most of minerals requirements of the scheme and the availability of the site would halve the number of HGVs journeys and mitigate for the amount of HGV miles on public roads over the 2 years of construction. Consequently, there will also be considerable savings in the amount of fuel used, reductions in vehicle emissions and the bringing forward of restoration proposals for the site.

**Environmental Impact Assessment:**

- 1.6 The application is accompanied by an Environmental Impact Assessment following a positive screening opinion issued in July 2015. The authority has agreed to the key issues to be addressed in the Environmental Statement in a formal scoping opinion issued in November 2015 including; Landscape and Visual Impact Assessment, Waste Planning Assessment (TAN 21): Waste, Ecology and Nature Conservation, Contaminated Land Assessment, Cultural Heritage & archaeological recording of remaining brickwork features, Hydrology, Hydrogeology, Water Quality, Drainage, Flood Risk assessment in accordance with TAN 15 (Development & Flood Risk), Traffic & Transport Impact Assessment, Noise & Vibration Impact Assessment, Air Quality Assessment, Lighting, Employment/economic considerations, Geology, Soils, Geotechnical Assessment & RIGS considerations (Regionally Important Geological Site), Other Matters (public rights of way, environmental enhancement, community effects & potential community benefit, socio- economic considerations), Cumulative

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impacts with the proposed road scheme, Non-native invasive plant species assessment, Assessment in the context of National, Regional and Local Planning Policy requirements and guidance, Afteruse Proposals & Restoration Plan.

- 1.7 As already mentioned, this is one of two current planning applications submitted for development proposals in conjunction with the Caernarfon to Bontnewydd bypass scheme. All of the elements that form part of this application are inclusive in the development proposals submitted with the larger, sister application, C17/0011/19/MW. Whilst this application in isolation would not trigger the development criteria for an Environmental Impact Assessment, the relevant supporting documentation and environmental information included in the Environmental Statement has been considered within the context of the development proposals included in this planning application.
- 1.8 Any indirect impacts on European environmental designations will need to be considered separately as part of the HRA undertaken in accordance with Regulation 61 of the Habitats and Species Regulations 2010.

## 2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 3.1.2 of Planning Policy Wales emphasise that decisions should be in accordance with the Development Plan, unless material considerations dictate otherwise. Planning considerations include National Policy and the Unitary Development Plan 2001-2016.

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### 2.3 Gwynedd Unitary Development Plan 2009:

- STRATEGIC POLICY 1 – **Taking a Precautionary Approach**
  - STRATEGIC POLICY 2 – **The Natural Environment**
  - STRATEGIC POLICY 3 – **The Built and Historic Environment**
  - STRATEGIC POLICY 5 – **Developments Which Create Risk**
  - STRATEGIC POLICY 6 – **Land Redevelopment and Re-use**
  - STRATEGIC POLICY 12 – **Transport**
  - STRATEGIC POLICY 16 – **Employment**
- POLICY A1 - **Environmental or Other Impact Assessments.** Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact, in the form of an environmental assessment or assessments of other impacts.
  - 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 B3 - Developments Affecting the Setting of Listed Buildings.** Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a number of criteria aimed at safeguarding the special character of the Listed Building and the local environment.
- **POLICY B6 - Caernarfon Castle and Town Walls World Heritage Site.** Refuse proposals which will cause substantial harm to antiquities at the Caernarfon Castle World Heritage Site.
- **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 B8 - The Llŷn And Môn Areas of Outstanding Natural Beauty (AONB)** - Safeguard, maintain and improve the character of the Area of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site.
- **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** - Safeguard the character of the Snowdonia National Park landscape by refusing proposals which are visually obtrusive and/or are located insensitively and uncongenially within the landscape.
- **POLICY B15 - Protection of International Nature Conservation Sites** - Refuse proposals which are likely to cause significant damage to the soundness of nature conservation sites of international importance unless they conform to a series of criteria aimed at the management, enjoyment and protection of recognised features within such sites.
- **POLICY B16 - Protecting Nationally Important Nature Conservation Sites** - Refuse proposals which are likely to cause significant damage to nature conservation sites of national importance unless they conform to a series of criteria aimed at the management, enjoyment and protection of recognised features within the sites.
- **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 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 B19 - Protected Trees, Woodland and Hedgerows** - Refuse proposals which involve loss of or damage to protected trees, woodlands or hedgerows unless the economic and/or social benefits of the development outweigh any damage.
- **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 soundness of landscape features which are important to wild flora and fauna unless the reasons for the development outweigh the need to maintain the features and 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.

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- POLICY B30 - **Contaminated Land or Buildings**. Ensure that proposals for developing contaminated land or buildings are refused unless they conform to a series of criteria aimed at managing or restricting the pollution.
- 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 C3 – **Re-using Previously Developed Sites**. Proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate.
- 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 Mineral Working Deposits** - Proposals to remove material from a mineral working deposit will be granted subject to specific development criteria including all of the criteria set out in policies C9 & C10.
- POLICY CH26 – **Safeguarding Proposed Road Routes** - Land required for specific road improvements will be safeguarded from other developments (as shown on the proposals map).
- POLICY CH33 - **Safety on Roads and Streets** - Development proposals will be approved only if they conform with specific development criteria including safe vehicular access, standard of the existing road network to accommodate the flow of traffic from the development and traffic calming measures.
- **Gwynedd SPG 2009 - Landscape Character Areas.**
- **Gwynedd Design Guidance 2004.**

### **Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 Composite Version incorporating Matters Arising Changes**

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 6: Allieviating and Adapting to the Effects of Climate Change

Strategic Policy PS 10: Providing Opportunity for a Flourishing Economy

Strategic Policy PS 16: Conserving and/or Enhancing the Natural Environment

Strategic Policy PS 17: Preserving or Enhancing Heritage Assets

Strategic Policy PS 19: Minerals

POLICY AMG 2: Protecting and Enhancing Features and Qualities that are distinctive to the Local Landscape Character

POLICY AMG 4: Local Biodiversity Conservation

POLICY AMG 5: Protecting Sites of Regional or Local Significance

POLICY AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

POLICY AT 4: Protection of Non-Designated Archaeological Sites and Their Setting

POLICY CYFF 1: Development Criteria

POLICY CYFF 3: Design and Landscaping

POLICY CYFF 5: Water Conservation

POLICY TRA 1: Transport Network Developments

POLICY TRA 4: Managing Transport impacts

POLICY MWYN 6: Buffer Zones Around Mineral Sites

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## 2.4 National Policies

- Policies, guidance and general principles set out in the Welsh Government Planning Policy Wales Edition 9, November 2016,
- Well-being of Future Generations Act (Wales) 2015 – Welsh Government,
- Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas,
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical advice Note (Wales) TAN 5: Nature Conservation and Planning, TAN 11: Noise, TAN 15: Development and Flood Risk, TAN 18: Transport, TAN 21: Waste, TAN 23: Economic Development,
- Policies, guidance and general principles set out in the Welsh Assembly Government Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004),
- Guidance and general principles set out in the Regional Technical Statement Review August 2014.

## 3 Relevant Planning History:

- 3.1 Planning Permission No. 390 granted subject to conditions on 22 November 1951 for the continuation of workings at Peblig and Seiont Brickworks Caernarfon - Material has been extracted at the site for approx 100 years and the site has been worked on a regular basis since that time.
- 3.2 C00A/0441/14/MW dated 10<sup>th</sup> May 2007 – Environment Act 1995, Determination of conditions and scheme of working under initial review (ROMP) of permission ref. 390 dated 22 Nov 1951.
- 3.3 C00A/0442/14/MW granted subject to conditions on 9<sup>th</sup> May 2007 – Continuation of use of land for the re-use/dispersion of mineral waste on the former railway line.
- 3.4 C01A/0750/14/TC – Certificate of Lawful Use or Development dated 6<sup>th</sup> February 2002 for the existing use of the site as a brick stocking area.
- 3.5 C15/0977/19/LL granted subject to conditions on 28<sup>th</sup> October 2015 for the change of use of land for the siting of 3 temporary buildings, parking areas, 2 storage containers together with security fencing in relation to constructing the Caernarfon by-pass.
- 3.6 Quarry ceased operation in 2008 with the brickworks building and site office demolished in 2010 and 2013 respectively.

## 4. Consultations:

Waunfawr Community Council:

Object to the application on the following grounds:

- Raised concerns in response to consultation on the first draft of proposals which included a permanent northern haul route to the A4085, which was to be removed following discussions on the PAC consultation exercise. Provision of a new permanent access to the quarry from the A4085,
- Timescale of 10 years for operations ancillary to the requirements of the bypass construction works,
- Site subject to the processes of natural regeneration,
- Alternative proposals to be considered for the site.

Caernarfon Town Council: No Response

Bontnewydd Community Council: No Objection

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Gwynedd Countryside & Access (PROW):	No Response
Gwynedd Council Transportation Officer:	No Objection Recommend a condition or standard note that the Applicant /Developer enters into an Extraordinary Traffic Agreement under Section 59 of the Highways Act 1980 in order to safeguard the condition of the affected highway network for the duration of the demolition/construction phase.
Welsh Government Transportation Unit:	Welsh Government as highway authority for the A487 Trunk Road advises that it does not issue a direction in respect of the application.
Dwr Cymru:	<ul style="list-style-type: none"> <li>• The content of Dwr Cymru's response to the pre-application consultation exercise has been acknowledged in the ES in that they would object to the disposal of surface water to the public sewer.</li> <li>• As statutory sewerage undertaker, it is our duty to carry out assessments of the anticipated foul discharges from the proposed development, as well as mitigating measures to enable a connection to the public sewerage system. In this case, however, the proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme.</li> <li>• Since the proposal intends utilising an 'above ground mobile storage tank', Dwr Cymru offer no further comments; however should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred, Dwr Cymru must be re-consulted on the application.</li> </ul>
Gwynedd Archaeological Planning Service:	<ul style="list-style-type: none"> <li>• Cultural Heritage assessment does not contain sufficient information enable the development control archaeologist to provide advice on the proposals. Assessment not carried out in accordance with the professional or planning requirements for such work.</li> <li>• Archaeological assessment should be completed in accordance with a specification to be agreed in advance with the Local Planning Authority in order to inform the planning decision.</li> </ul>
Scottish Power:	No Response
Inspectorate of Quarries:	No Response
Welsh Historical Gardens Trust:	No Response
CADW:	<ul style="list-style-type: none"> <li>• Agree with the cultural heritage assessment that the impact of the proposals on the Morfa Common Grade</li> </ul>

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If registered Park would not be significant,

- Proposed works within 1.3km of Caernarfon Castle and Town Wall but will not be visible or have an impact on the Outstanding Universal Value of the World Heritage Site.

Local Flood Authority: No objection, but issue the following advice and conditions;

Several watercourses run through or are 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,
- If it is the intention of the applicant to discharge surface water to the watercourses that flow through or are adjacent to the site, the applicant shall submit details of the proposals to Natural Resources Wales for approval.

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.

Gwynedd Council  
Biodiversity Unit:

- ES contains several ecological reports including a Phase 1 Habitat Survey, badger, otter & ornithological surveys. Investigation of protected species under the Wildlife and Countryside Act 1981, nesting birds, bats, water vole, badger, otters & reptiles taken from surveys in 2015 for the proposed Caernarfon bypass scheme, which includes part of the site,
- The proposal does not include a restoration plan for the site,
- Site inactive since 2008 and during that time the quarry has developed into a site of high biodiversity value, including the establishment of planted trees & natural regeneration. The concrete hardstanding area has occasional bushes of buddleia and grasses and herbs growing in the cracks in the concrete. Proposal will include considerable tree loss as a result of regrading the quarry faces to accommodate the haulage route,
- Although the habitats survey was not carried out at the optimal time of year, it can be established that the quarry contains a range of habitats, many of which will be affected by the development proposals. Habitats comprise of the following including those of principle importance in Wales under Section 7 of the



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Environment Act 2016; neutral grassland, wet seepages, agriculturally improved grassland, scrub, broad-leaved woodland, hedgerows, lake, open water, ditches, river, bare ground (concrete & clay), debris (bricks & concrete) & open mosaic habitat of previously developed land,

- Clay substrate, concrete hardstanding and several ditches and pools host to an abundance of vegetation; former brick storage area in the river meander contains Section 7 habitat, lowland meadow grassland which requires further investigation,
- Although Seiont Quarry is not designated as a Wildlife Site, the Biodiversity Service have inspected the site and state that it would qualify as it is likely to support many species of national and local importance including, nesting birds, dragonflies and damselflies, reptiles, bats, badger, otter & invertebrates, specifically the Dingy Skipper butterfly listed under section 7 as a UK biodiversity priority species,
- Lesser horseshoe bat hibernation roost recorded in a derelict building in the former brick storage area but also brown long-eared, common pipistrelle, soprano pipistrelle myotis and noctule bats present within the vicinity of the site. Quarry contains suitable foraging habitats for lesser horseshoe bats such as scrub, grassland and woodland. Proposal could impact on foraging habitat & severance of flight lines,
- Proposal will result in the loss of habitats of national biodiversity importance including 9.4ha of open mosaic habitat, although such habitat may re-establish given enough time once development ceases. Development will also involve the loss of hedgerow, neutral grassland and a lake,

#### Summary of impacts

The proposal will have the following impacts:

- Loss of habitat for dingy skipper and perhaps population of dingy skippers at this site.
- Loss of open mosaic habitat of previously developed land (on clay substrate) of about 2000 square meters and 5000 square meters for the haul track; a total of 7000 square meters or 0.7ha.
- Loss of scrub
- Loss of mature trees

This proposal will cause the loss of some habitat, but not an extensive area (about a fifth of the whole quarry) and the remaining habitats will continue to provide foraging habitat for bats and therefore it is unlikely to have a significant impact on bats. Although consideration is required regarding lighting to ensure that impacts to bats are minimize.

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### Recommendations

Mitigation is required to reduce impacts to ecological features, I recommend that the applicant provide a mitigation plan that includes the following:

- A restoration plan
- Reptile mitigation that includes and measures to avoid harm to reptiles plan.
- The clearance of trees and shrubs should only take place outside of the bird nesting period.
- Before the application is determined a tree survey should be provided. The proposed plan should avoid damage to mature trees, especially as the trees form an important lesser horseshoe bat flight corridor.
- Restoration should include proposals for the enhancement of biodiversity on the site including,
  - Plan for the control and eradication of invasive species
  - Only reseed with green hay from local species rich hay meadow,
  - Enhance existing bat roost
  - Creation of a mosaic of small ponds across the base of the quarry void
  - Create a larger area of species rich grasslands and features for species e.g. bat roosts, otter holt, hibernation sites for reptiles & sufficient areas for nesting birds
  - No grazing
  - Mitigation plan for protected species
  - Scheme of monitoring and aftercare
  - No topsoil disposal
  - Restore site to nature park

### **Habitats and Species Regulations Assessment**

Under the Habitats Regulations 2010, plans and projects that are not for the management of a European Site, should be assessed for their significant effects to any European Sites.

There are several European Sites that could possibly be affected by this proposal at the Brickworks:

- Menai Strait and Conwy Bay SAC
- Glynllifon SAC
- Afon Gwyrfai a Llyn Cwellyn SAC

### **Summary**

The proposal to use the site as a site temporarily as a site compound in connection with the proposed A487 Caernarfon to Bontnewydd bypass including compound, offices, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of a haul route, at the Caernarfon Brickworks, is not likely to have a significant effect on any sites designated under the Habitats and Species Regulations 2010.

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Public Protection:

- Proposal differs to the previously regulated activity as a brick manufacturing plant in that all of the site activity/works are to be carried out in the open rather than contained within a building. Key environmental issues to be addressed include Drainage, Air Quality, Noise Emissions and Potentially Contaminated Land,
- Due to the number of personnel likely to be requiring welfare facilities the preference of Public Protection is that foul water drainage should be mains provision,
- Potential increase in extraction of material from the quarry and it is important that any air pollutants arising from the works do not have an adverse impact on public health. The main area of concern would be the release of fugitive emissions to air during the construction phase and resulting from HGV traffic movements. It is recommended that a dust management scheme is prepared and put into place with appropriate conditions to control PM10 & PM2.5 particulate emissions but also Nitrogen Dioxide NO<sub>2</sub> levels,
- Appropriate conditions to control dust emissions but also the requirement for a dust survey to be undertaken for a minimum period of 6 months at agreed locations. Crushing, screening conveying and other operations likely to give rise to airborne dust should be contained within appropriate housing. Crushing and screening operations require a permit under the Environmental Permitting Regulations 2010,
- Details of the vehicle cleaning facilities to be installed including location, design, specification and controls to be used to ensure correct usage shall be submitted to the for approval in writing. The approved facilities shall thereafter be maintained in full working order and used by all HGV's leaving the site to ensure that no mud, dust or other deleterious material is transferred onto the public highway when leaving the site. All vehicles transporting minerals from the site, of a size less than 100mm in any dimension, shall be securely sheeted.
- The applicant has quoted the use of previous noise levels for the 2007 ROMP determination set at individual properties. No supporting evidence to suggest that the current background levels are the same as the previous assessment undertaken. The Noise Report should be amended to include an indicative survey of background noise to support and justify the use of noise conditions. In the absence of any additional noise report it is recommended the following conditions are placed on the granting of the application:-
- During normal working hours (0700-1900) the noise rating level should not exceed 55dB(A) LAeq,1hr (free field). Evening (1900-2200) limits should not

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exceed background level by more than 10dB(A) and night time limits should not exceed 42 dB (A) LAeq, 1hr free field at noise sensitive dwellings. (MTAN1). Temporary operations not to exceed 70 dB LAeq, 1h (free field) for up to 8 weeks in a year.

- Note: British Standard BS.4142:2014 ‘Methods for rating and assessing industrial and commercial sound’, shall be used to assess and demonstrate compliance /conformity with the boundary noise limit.
- Specific plant and associated noise control or mitigation methods must be approved by the local authority prior to the installation and operation of the plant and equipment including specific sound power levels prior to use on site.
- Operational noise from road traffic has the potential to impact on properties located between the quarry and Pont Seiont. Hours of operation should be restricted so as to avoid excessive movement of HGVs travelling to or from the quarry through residential areas at night time. To reduce any impact the site can be conditioned to ensure deliveries and movement of processed materials shall not take place except within the following times and days:
  - between the hours of 0700 and 1800 Monday to Friday inclusively;
  - between the hours of 0700 and 1300 on Saturdays;
  - and there shall be no deliveries on Sundays or Public Holidays;
- Written record of all haulage movements to be made available upon written request of the Mineral Planning Authority,  
ES includes an assessment of potentially contaminated land, ‘*Site Condition Report and Ground Contamination Investigation and Risk Assessment*’. There may therefore be pockets of unidentified contamination throughout the site. During development, if any contamination not identified within the report is discovered the developer must immediately cease work and inform this department and the local Planning Authority. In this scenario, a suitably competent Environmental Consultant should carry out further investigation detailing how this this unforeseen contamination can be dealt with.

Natural Resources Wales:

- NRW request the imposition of specific planning conditions to address their concerns,
- Full details of the foul water storage tank submitted prior to works commencing on site to demonstrate that the proposed system will safeguard the surrounding environment and that the system will be appropriately managed. Off-site disposal of foul waste in accordance with Section 34 of the

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Environment Protection Act 1990,

- Any temporary infrastructure related to foul drainage on site to be fully decommissioned and removed from the site when the permission comes to an end,
- Scheme for the control of Invasive Non Native Species to be the subject of a planning condition,
- Insufficient survey information on how bats use the site for foraging & commuting from their roosts. Concerns as to the possible impacts of the development on foraging and commuting routes of bats and that a lighting scheme should be submitted for the approval of the mineral planning authority. Furthermore, written consent must be obtained prior to any clearance of mature vegetation/linear features which may be used by bats,
- Controlled waters underlying the site not of the highest environmental sensitivity and on the assumption that gross contamination is not present at this location the requirements of PPW and The Guiding Principles for Land Contamination should be followed. If gross contamination is found the MPA should re-consult with NRW and recommend that the developer should follow their risk management framework, model procedures and 'Guiding Principles for Land Contamination and the Principles and Practices for Groundwater Protection(GP3),
- Planning condition to specify that if during the development, contamination not previously identified is found to be present, no further development (unless otherwise agreed in writing) shall be carried out until a remediation strategy shall be submitted for the approval of the MPA,
- Installation of an oil interceptor to prevent any pollution to the water environment is recommended as per pollution prevention guidelines. Use & design of oil separators in surface water drainage systems. Contact NRW to determine whether the proposal requires consent to discharge into the ground or watercourse,
- To ensure no further deterioration of the Llyn and Eryri groundwater body, all pollution prevention measures should be monitored & maintained. Recommend determining the groundwater level to ensure pollution control techniques can be managed,
- Sufficient containment for run-off within materials storage and working areas including prevention of sediment laden drainage from haul roads to any watercourse (GPP5 for works & maintenance in or near a watercourse),
- Proper disposal procedures for any asbestos found on site,
- Site partially contained within a C2 as per Development Advice Maps of TAN15: Development

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and Flood Risk. NRW state that the Flood Consequences Assessment submitted in support of the application provides an accurate estimate on possible flood risk which demonstrates that the developable part of the site (site buildings & car parking areas) is to remain flood free for various flood events including the extreme flood event (0.1% AEP or 1 in 1000 event). Flood storage capacity increased in the former brick storage area where material will be removed. Development will not increase flooding elsewhere and site haul road will provide an alternative if temporary means of escape for Seiont Mill Road. Any works within 8m of the river will require a bespoke flood risk activity permit.

- Controlled waste removed or brought onto to be taken to a suitably authorised facility, including contaminated soils.
- Agree with the conclusion of the LPA assessment under the Conservation of Habitats and Species Regulations 2010 that there will be no significant risk of impacts on protected sites (SPA/SAC/SSSI) from the development proposals,
- Revised discharge permit required for the site including water monitoring data,
- NRW considers that the proposals are unlikely to result in the deterioration of Water Framework Directive objectives provided that the measures detailed in all of the topics referenced in their consultation response are adhered to.

Public Consultations:

Notices have appeared in the local press and site notices displayed in the vicinity of the application area in respect of two separate consultation periods commencing on 8<sup>th</sup> and 22<sup>nd</sup> February 2017 respectively. The second consultation period took account of additional information submitted in accordance with Regulation 22 of the EIA Regs. 2016. Nine letters of objection have been received highlighting the following concerns;

Grounds for Objection:

- Quiet tranquil area/residential amenities & proximity of properties to the site,
- Impacts on local biodiversity, bats, otters, nesting birds, owls;
- Traffic impacts associated with the use of a compound ancillary to the bypass construction works,
- Impacts of noise & vibration associated with the works,
- Air pollution/Air quality impacts & health concerns,
- Dust,
- Width and structural capacity of Seiont Mill Road,
- Hours of operation,
- Works access visibility,
- Cumulative landscape, environmental and amenity

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- impacts with the bypass proposals,
- Contrary to adopted planning policy to protect the environment,
  - Insufficient screening for properties to the south-east of the quarry,
  - Longevity of development proposals and use of the site for many years beyond the lifetime of the bypass construction works; infrastructure & temporary buildings to remain on site for at least 7 years; uncertainty regarding long-term afteruse proposals for the site,
  - Impacts on amenity & the environment outweigh the quarrying benefits,
  - Development proposals & proposed extension to the site will impact on local biodiversity; mitigation in the application proposals insufficient to promote biodiversity to meet with the requirements of Welsh Government objectives,
  - Contrary to adopted planning policy concerning cultural heritage assets including potential impact on listed buildings located immediately adjacent to the bypass works and access points to the quarry, specifically the setting of Bryn Eglwys at 235m and the impacts on views from this property,
  - Potential impact on cultural heritage assets of the locality but also Llanbeblig Church (Grade 1 listed) & Caernarfon Castle World Heritage Site (Grade 1 listed),
  - Development proposals & proposed extension will not improve the natural environment or contribute positively to the landscape & built heritage assets of the area,
  - Impacts of haulage movements associated with the import & export of up to 400,000m<sup>3</sup> of materials respectively,
  - Cumulative impacts with the bypass proposals on land instability,
  - Restoration proposals as per ROMP determination not implemented,
  - Possible impacts on flooding,
  - Impacts on public rights of way,
  - No screening proposals for the northern haul route.

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

- Objections to the implementation of the bypass proposals and impacts on property value & opportunities for holiday let,
- Compensation in respect of the bypass works,
- Traffic impacts relating to noise and disturbance once the bypass is operational,
- Impacts on the watercourse running alongside the south-eastern boundary of the quarry,

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- Views of the site from Caernarfon Castle,
- Development proposals, 'overlooking',
- Permanent access to the A4085,
- Adopted UDP planning policy on Dormant Minerals Sites,
- Human rights,  
Re-locate the haul route within the quarry including both access points.

### Assessment of the material planning considerations:

#### 5. The principle of the development

- 5.1 There is a requirement to take decisions on planning applications in accordance with the adopted development plan, unless other material considerations state otherwise. The Gwynedd Unitary Development Plan (2001-2016) is the current 'Development Plan' and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the UDP as the 'development plan' once it is adopted. The hope is that the JLDP will be adopted during July 2017.
- 5.2 When dealing with any planning application the statutory test should be the first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states: "*Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...*".
- 5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.
- 5.4 Paragraph 2.14.1 of Planning Policy Wales states; "*.... in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances*".
- 5.5 The application itself contains many elements, the collective principle of which is summarised below, but the main thrust of the development is that the development may be considered ancillary to the requirements of a national road improvement project. The availability of a site having direct access to the road scheme would mitigate for the potential impact of heavy transport on the local road infrastructure. The site would be used as a base for operations ancillary to the bypass scheme including site offices, asphalt & concrete batching plants, materials processing facility.
- 5.6 The quarry already has the benefit of a valid planning permission for the winning and working of clay which, up until the closure of the operation 2008, excavated and processed the material for the manufacture of bricks. An application for the determination of conditions under a ROMP, Environment Act 1995 approved in 2007 secured a scheme of working up until 2042. Given that Seiont quarry is classified as



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an active site, the principle of minerals extraction cannot be challenged and minerals operations may re-commence under the terms of the ROMP determination C00M/0441/14/MW at any time and without prior warning. This would include the use of the concrete hardstanding for operations ancillary to the winning and working of minerals including the processing of material. The same would also apply to mineral working deposit previously stored on the concrete hardstanding and stockpiles of bricks set aside for sale or dispatch, which may be processed further for aggregates.

- 5.7 Policy C3 is of the UDP & CYF 2 of the emerging Local Development Plan are considered relevant, (*proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate*) given that this is a proposal to reuse a site with a valid planning permission having ceased operation in 2008. Also, paragraph 4.9 of Planning Policy Wales, '*preference for the re-use of land*' states that; 'many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. The same policy considerations of giving preference to the use of previously developed land will also apply to the establishment of a temporary compound on the hardstanding of the former brickworks plant site.
- 5.8 The use of the former brickworks site will require a mobilisation phase as well as sufficient time to decommission the site and ensure that it is left in a condition to the satisfaction of the Local Planning Authority. It is considered therefore that the duration of operations involving the temporary use of the brickworks as a site compound is reflective of the requirements of the bypass scheme and suitably time-limited to 5 years from the notification of the commencement of development.
- 5.9 It is considered therefore that the development in principle complies with National and Regional Planning Policy and Guidance as well as the requirements of Policies; A1, A3, & C3 of the Unitary Development Plan and Policies; CYF 2, PCYFF 1 & TRA 1 of the emerging Joint Local Development Plan.

#### **Noise, Dust and Residential Amenity**

- 5.10 In respect of operations ancillary to the winning and working of clay and overburden materials, it must be noted that Seiont Quarry has been mothballed since 2008, with the associated brickworks plant demolished in 2010. The site is located adjacent to sensitive receptors located at Seiont Mill Road, Eryri Hospital, Pont Seiont public park, Morfa Common, Hendre Park residential estate as well as a number of scattered dwellings located to the east of the quarry and to the north of the proposed haul route and bypass works. There are properties at Seiont Mill Road that lie within the 100m buffer applied to the mineral workings as prescribed under policy B12 of the Unitary Development Plan and Policy Mwyn 6 of the emerging Local Development Plan. However, the default position is that the 100m buffer already applies to development carried out under the terms of the existing ROMP determination and there have been few, if any, instances of complaint relating to the operation of the quarry or brick manufacturing facility up until its closure in 2008.
- 5.11 In response to consultation, Gwynedd Public Protection services highlighted potential concerns about the impacts of noise, dust and disturbance from on-site operations and the traffic movements associated with the use of the site as a contractor's compound but also the cumulative impacts with the bypass construction works. The proposal differs to the previously regulated activity as a brick manufacturing plant in that all of

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the site activity/works are to be carried out in the open rather than contained within a building. Key environmental issues to be addressed include Drainage, Air Quality, Noise Emissions and Potentially Contaminated Land.

- 5.12 The ES does provide a list of activities undertaken as part of the development that have the potential to impact on air quality and noise including the formation of haul roads, as well as the recovery & processing of bricks, concrete and other materials brought onto the site, concrete & asphalt batching and the use of diesel powered plant and machinery. The ES prepared on behalf of Welsh Government for the bypass project specifies that 15,000m<sup>3</sup> of concrete and 77,820 tonnes of surfacing material will be required for the scheme. There is therefore a potential increase in air pollutants and noise impacts attributed to the resumption of operations at the site and it is important that such activities do not have an adverse impact on public health. In addition to haulage movements associated with the bypass works, the traffic impacts associated with the proposal includes for private vehicles and small delivery vehicles using the existing quarry access at Seiont Mill Road throughout the duration of the project (approximately 25 movements in the morning and evening respectively), but also a limited number of low loaders, abnormal loads, flat-bed lorries and other HGVs during the 3 month mobilisation and decommissioning phase associated with the works.
- 5.13 The ES refers to the UK National Air Quality Strategy by reference to the levels of PM<sub>10</sub>'s not exceeding 50µg/m<sup>-3</sup> as a daily mean with no more than 35 exceedances per year, or 40µg/m<sup>-3</sup> measured as an annual mean. In response to consultation, Gwynedd Public Protection Service recommended that a dust management scheme is prepared and put into place with appropriate conditions to control PM10 & PM2.5 particulate emissions but also Nitrogen Dioxide NO<sub>2</sub> levels. The application details confirm an itinerary of measures to mitigate for the potential impacts of fugitive dust migration impacting on sensitive receptors including minimising drop heights from plant machinery, on-site speed limits, use of a water bowser on haul routes, dampening of processing areas and processed materials and keeping a log of dust complaints.
- 5.14 However, there remains a requirement to address the potential impacts of dust through the imposition of standard conditions and the applicant confirms a willingness to discuss the implementation of appropriate planning controls. Furthermore, the Public Protection Service specify the requirement for a dust survey to be undertaken for a minimum period of 6 months at agreed locations and that crushing, screening conveying and other operations likely to give rise to airborne dust should be contained within appropriate housing. Crushing and screening operations require a permit under the Environmental Permitting Regulations 2010 but also, HGV's leaving the site to ensure that no mud, dust or other deleterious material is transferred onto the public highway.
- 5.15 There is no background noise assessment submitted in support of the application, rather the ES quotes the previous noise levels used for the 2007 ROMP determination set at individual properties. Notwithstanding that the brick plant was in operation for many years without giving rise for a noise complaint, the nature of the operations in the open should be re-assessed given that there is no supporting evidence to suggest that the current background levels are the same as the previous assessment undertaken.
- 5.16 The application recognises however that all activities at the site have the potential to impact on noise sensitive receptors and it is proposed that a new noise attenuation

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bund be constructed alongside the south-western boundary of the former brickworks site where operations involving concrete/asphalt batching, vehicle maintenance/repair will be undertaken.

- 5.17 In addition to noise mitigation incorporated into the site design, the application offers a suite of good management practices including; haul roads maintained in good repair to minimise body slap and vibration from vehicles, use of practical and safe reversing alarms (e.g. white noise), minimisation of drop heights, avoidance of revving engines, all plant maintained in good order and fitted with effective silencers & acoustic covers and the use of electrically powered pumps and generators where necessary.
- 5.18 The public protection service recommend the guidance for noise in the Minerals Technical Advice Note 1 (Aggregates) and suggest that in the absence of an indicative survey of background noise to justify the 2007 ROMP limitations, it is recommended the following conditions are placed on the granting of the application:-
- During normal working hours (0700-1900) the noise rating level should not exceed 55dB(A) LAeq,1hr (free field). Evening (1900-2200) limits should not exceed background level by more than 10dB(A),
  - Night time limits should not exceed 42 dB (A) LAeq, 1hr free field at noise sensitive dwellings. (MTAN1).
  - Temporary operations not to exceed 70 dB LAeq, 1h (free field) for up to 8 weeks in a year.
  - Noise monitoring survey as per the written request of the Mineral Planning Authority, to be undertaken in accordance with British Standard BS.4142:2014 'Methods for rating and assessing industrial and commercial sound' to assess and demonstrate compliance /conformity with the boundary noise limit.
  - Specific plant and associated noise control or mitigation methods must be approved by the local authority prior to the installation and operation of the plant and equipment including specific sound power levels prior to use on site.
- 5.19 As mentioned previously, operational noise from road traffic has the potential to impact on properties located between the quarry and Pont Seiont. Hours of operation should be restricted so as to avoid excessive movement of HGVs travelling to or from the quarry through residential areas during early morning and at night time. To reduce any impact the site can be conditioned to ensure deliveries and movement of processed materials and operation of the site shall not take place except within the following times and days:
- Between the hours of 0700 and 1800 Monday to Friday inclusively;
  - Between the hours of 0700 and 1300 on Saturdays;
  - No deliveries on Sundays or Public Holidays;
  - Written record of all haulage movements to be made available upon written request of the Mineral Planning Authority,
- 5.20 It is considered that the site can operate without undue nuisance to the amenities of the area in accordance with planning conditions imposed to regulate the activities as well as good practice and schedule of practical measures proposed in the application. In mitigation for the potential environmental impacts of the development, the relevant noise and dust conditions include a requirement for annual monitoring and that the operating times be the same as existing; 07:00 - 19:00 Monday to Friday; 07:00 - 13:00 on a Saturday and no mineral working to take place on Sundays, Bank & Public Holidays.

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- 5.21 With the imposition of planning conditions to limit the impacts of noise, dust, haulage, hours of working and duration of the project (3 years to allow for the import of material & 4 years in total), it is considered that the development conforms to policy B23, B30, B33 of the UDP (amenities) as well as Policy CYFF 1 of the emerging Joint Local Development Plan.

### Visual Amenity

- 5.22 Seiont quarry covers a substantial area to the south of Caernarfon extending from the woodland embankments of the Afon Seiont to the west and rolling pasture connecting with the settlement of Caeathro to the east. The application site measures 3.7ha and comprises of a level concrete hardstanding, located to the south-west of a bund of mineral waste deposited over many years and an existing haul route connecting with the bypass route which cuts across the working face of the quarry.
- 5.23 The potential significance of landscape and visual impacts is determined by a combination of the magnitude of the potential impact and the sensitivity of the landscape setting to change. The proposed development would cause direct impacts on landscape of the application site during the operational phase which is unavoidable due to the nature of the operation. Potential visual and landscape impacts include a combination of site operations, vehicle movements, stockpile storage & screening mounds. The Environmental Statement has considered the sensitivity of the surrounding landscape designations, residential areas and recreational receptors within the context of the temporary use of the former brickworks as a works compound. In this respect, the landscape and visual impact assessment has considered the baseline of impacts on main visual receptors including statutory and non-statutory landscape designations, recreational routes, registered parks & gardens, Unesco World Heritage Site, cultural heritage assets and information derived from the local authority Strategic Landscape Character Areas (LCA) and Natural Resources Wales LANDMAP data system.
- 5.24 The impact on statutory designations is negligible in consideration of distances from the proposed development and given the presence of intervening of landscape and built environment features, it would be very difficult to distinguish the development from the existing landscape. It is further agreed that in the summary of landscape impact significance, the potential effects on the 26 landscape character areas identified in the assessment is generally, negligible. Although the extent of the workings and former brickworks site is substantive, the site is generally well screened by mature vegetation, surrounding topography and the suburban environment of Caernarfon. The greatest visual change would occur to the north-west of the clay pit where a new haul road connecting with the bypass construction site is proposed in an area of grazed farmland. Properties and other sensitive receptors in close proximity to the site would experience change at different stages of the development. The Eryri Hospital and public footpath that runs alongside the river Seiont from the A4085 to Seiont Mill Road would be temporarily affected by the establishment and operation of the site compound and the construction of a new haul road.
- 5.25 It is considered therefore that the proposal is acceptable in principle in that the development is compliant with Policies B8, B12, B14, B27, & C3 of the Unitary Development Plan as well as Policies PCYFF 1, AMG 2, AT 1 & New AONB Policy of the emerging Joint Local Development Plan.

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## Cultural Heritage

- 5.26 The ES provides a list of relevant legislation and planning guidance as a background to the assessment of the environmental effects of the proposal on known features of cultural interests, monuments, heritage assets and listed buildings. The assessment criteria and evaluation of the development proposals is comparable to the methodology applied to landscape and visual impact to determine both direct and indirect impacts.
- 5.27 Caernarfon is rich in cultural heritage assets and the site is located within 1.5km of the Caernarfon Castle and Town Walls World Heritage Site, Segontium Roman Fort and Llanbeblig Church. In addition, there are Grade II listed buildings, Bryn Eglwys & Bryn Eden in close proximity to the quarry and bypass works as well as a Grade II listed, 19<sup>th</sup> Century Park designed around an artificial lake located beside Seiont Mill Road, approximately 250 metres from the nearest part of the application site.
- 5.28 In response to consultation, CADW confirm that they are in agreement with the cultural heritage assessment that the impact of the proposals on the Morfa Common Grade II registered Park would not be significant. The site compound is well screened but there may be partial views of lorries using the haul route from Caernarfon Castle and Town Walls during the construction phase. However from this position, any construction works associated with the bypass and quarry haul route would occupy only a limited portion of the entire visual envelope and therefore, it is not considered that this will have a significant long-term impact on the Outstanding Universal Value of the World Heritage Site. Furthermore, this report concurs with the conclusions of the cultural heritage assessment that the indirect impacts on wider heritage assets, listed buildings and conservation area within the Caernarfon 19<sup>th</sup> Century settlement would be negligible.
- 5.29 As already mentioned, there are listed buildings in close proximity to the quarry that could be affected by the development proposals during the construction phase through the impacts of noise, dust and disturbance. However, given the position of the quarry and associated haul route in relation to the bypass and affected property of Bryn Eglwys and its setting located over 200 metres due south, it is considered that any physical screening in the form of embankments or soil bunds would be better served by mitigation measures incorporated into the design of the bypass construction works.
- 5.30 The magnitude of change and any adverse impacts should be considered in the context of the bypass proposals contributing to the larger part of direct and permanent detrimental landscape and visual impact. Given the temporary, short-term impacts associated with the use of Seiont Quarry during the lifetime of the bypass contract, it is not considered that the cumulative impact of the development proposals under consideration here would have a significant detrimental impact on the setting of listed buildings.
- 5.31 With respect to any direct impact of the development proposals, it is agreed with the cultural impact assessment that the development proposals involving the use of the quarry as a works compound is limited to the former brickworks site and the disturbed quarry workings where the re-alignment of an existing haul route is proposed. The site has been subject to recent disturbance from the mineral workings and the temporary change of use of the 1960s brickworks site to a works compound will not involve any further demolition to that which has already taken place in 2010

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& 2013. The existing concrete hardstanding and metal runners of the former brickworks will therefore remain.

- 5.32 The Cultural Heritage assessment does refer to written sources of archaeological work including that part of the southern haul route which will extend from the former brickworks, along the worked-out benches of the quarry up to the route of the bypass. GAT Project No. G1952, Report No. 687 comprised of a watching brief undertaken in October 2007 relating to the last soil strip at Seiont, immediately adjacent to the line of the bypass route. In summary the report concludes; *“an archaeological watching brief has been conducted during the expansion of the Seiont Brickworks Quarry, Gwynedd. No archaeological features were identified and all activity below the topsoil was interpreted as glacial in origin. It was determined that agricultural use was limited to pasture as the glacial boulders were too prevalent to facilitate cultivation”*.
- 5.33 The Regionally Important Geological Site (RIGS) will, for the most part, be impacted by the bypass proposals and the exposure of the glacial sediments will provide opportunities for further study. It is well documented on this site that cuttings and excavations into the mineral deposit have provided important data on the sequence and nature of Quaternary events. Pen y Bryn is the only one within a network of Quaternary stratigraphical sites across Anglesey, Llyn and the Gwynedd coastal fringe to contain organic deposits of a pre-glacial age. Planning conditions already exist on the ROMP determination to account for and document any exposures during the excavation of mineral and the same could be repeated on any further grant of consent.
- 5.34 With the imposition of appropriate planning conditions as mentioned above, the proposal therefore complies with Policy B3, B6, B7, B12 & B18 of the Gwynedd UDP but also Policy AMG 2, AT 1 & AT 4 of the emerging Joint Local Development Plan.

### **Highway Impacts**

- 5.35 The Environmental Statement provides a comprehensive assessment of the traffic impacts associated with the use of the site in connection with the bypass construction works. There are economic, logistical and environmental benefits to be derived from the use of the quarry in terms of highway impacts, given that it is located immediately alongside the proposed bypass route. By choosing to make use of a quarry with a direct link to the bypass via internal haul roads, none of the materials haulage movements to and from the quarry would involve the use of HGVs on public roads. The ES provides a comparison scenario to account for all sources of fill for the bypass scheme as well as the use of the quarry as a repository for the disposal of materials, using off-road haulage on a return load principle. For the purposes of this application however, it is only the materials requirements and associated vehicle movements in connection with the use of the site as a works compound that is the subject of consideration. The ES prepared on behalf of Welsh Government for the bypass project specifies that 15,000m<sup>3</sup> of concrete and 77,820 tonnes of surfacing material will be required for the scheme.
- 5.36 In addition to haulage movements associated with the bypass works, the traffic impacts associated with the use of the brickworks site includes for private vehicles and small delivery vehicles using the existing access at Seiont Mill Road throughout the duration of the project (approximately 25 movements in the morning and evening respectively), but also a limited number of low loaders, abnormal loads, flat-bed

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lorries and other HGVs during the 3 month mobilisation and decommissioning phase associated with the works. During the construction phase of the bypass, around 60 personnel are expected to be on site at any time who will travel by car on a daily basis, using the on-site car parking facilities provided within the contractor's compound. Due to the short duration for the use of and restoration of the quarry in connection with the bypass works, the ES confirms that quarry traffic using the existing quarry access from Seiont Mill Road will cease upon completion of the project.

- 5.37 The main thrust of the development is that the development may be considered ancillary to the requirements of a national road infrastructure project. The availability of a site having direct access to the road scheme would mitigate for the potential impact of heavy transport on the local road infrastructure as well as providing a proximity principle approach to the needs of the project.
- 5.38 As stated previously, the haulage impacts associated with the use of the quarry are significant and it is considered therefore that proposals involving the import of materials in connection with the bypass proposals should be restricted to the haul routes indicated on the application plans and time-limited to 4 years from the notification of commencement development. The proposal therefore complies with Policy CH33 & CH36 of the Gwynedd Unitary Development Plan as well as Policy PS 5 & TRA 1 of the emerging Joint Local Development Plan.

#### **Drainage, the Water Environment & Land Contamination**

- 5.39 The Environmental Statement confirms that since clay extraction was last carried out in 2007, the quarry sump has flooded to form a waterbody of around 15m depth, where the water level is controlled via an overflow ditch which discharges into the Afon Seiont at around 13m AOD. When the quarry was operational, the sump functioned as a silt trap and settling lagoon for all water drained from within the excavated area but in addition, water was periodically pumped into a secondary settling lagoon in the south west corner of the brickworks. This lagoon would also intercept surface water from the surrounding operational area including part of the former brickworks yard.
- 5.40 It is proposed that the former brickworks site be used as a contractor's compound including staff welfare facilities, fuel storage, foul water storage tank, maintenance shed as well as concrete and asphalt batching facilities.
- 5.41 In response to the pre-application consultation exercise, Dwr Cymru as statutory sewerage undertaker, carried out an assessment of the anticipated foul discharges from the proposed development, as well as mitigating measures to enable a connection to the public sewerage system. In response to their concerns about overloading the Waste Water Treatment Works, the applicant confirmed the use of an; '*above ground mobile storage tank*' to store any sewage generated for the duration of the project. In response, both NRW and Gwynedd Public Protection expressed a preference for mains sewage connection, given that the site is within a reasonable distance of the existing treatment infrastructure and to follow the drainage hierarchy. NRW recognise however that the works are temporary and that it may not feasibly be able to follow this hierarchy due to the cost of required upgrades, time to implement any upgrades and potential cost of removing infrastructure designed to be permanent at the end of a short project.

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- 5.42 NRW have provided a comprehensive list of comments which outline a specific itinerary of requirements and conditions to be imposed on any grant of permission, including the requirement to specify full details of the storage tank to be submitted for the approval of the local planning authority prior to works commencing with a further condition requiring that any temporary infrastructure related to foul drainage on the site is fully decommissioned and removed from the site when the permission expires.
- 5.43 Planning Policy Wales requires that for development management and flood risk, “*it is essential that Natural Resources Wales’ advice is obtained and given due weight as a material consideration by planning authorities in determining individual applications*”. TAN15 further states that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, i.e. a ‘Flood Consequence Assessment’. The site is partially contained within a C2 as per Development Advice Maps of TAN15: Development and Flood Risk. NRW confirm that the Flood Consequences Assessment submitted in support of the application provides an accurate estimate on possible flood risk which demonstrates that the developable part of the site (*site buildings & car parking areas*) is to remain flood free for various flood events including the extreme flood event (0.1% AEP or 1 in 1000 event). It may be concluded that the development will not increase flooding elsewhere and the site haul road may provide an alternative if temporary means of escape for occupants of Seiont Mill Road during flood events.
- 5.44 The site is not included on the Authority’s register of contaminated land but in respect of dealing with potentially unstable or contaminated land paragraph 13.5.1 of Planning Policy Wales states; “*The planning system should guide development to lessen the risk from natural or human-made hazards, including risk from land instability and land contamination. The aim is not to prevent the development of such land, though in some cases that may be the appropriate response. Rather it is to ensure that development is suitable and that the physical constraints on the land, including the anticipated impacts of climate change, are taken into account at all stages of the planning process. However, responsibility for determining the extent and effects of instability or other risk remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners*”.
- 5.45 Chapter 10 of the ES and the supporting appendices; ‘*condition report, ground contamination investigation and risk assessment*’, concludes that; “the results of sampling and analysis have not identified any contamination within the ground strata at the site that could be a risk to human health other than very low quantities of asbestos. However the majority of the site is already covered with a concrete slab, which will remain, and other areas of the site not surfaced will be capped with a sealed surface or aggregate to allow vehicle movement within the site compound. The risk of human exposure to the ground strata is therefore negligible” and further;” *...no elevated concentrations of contaminants were identified and therefore there is no source to leach. In the absence of any leached contaminants there can be no risk to controlled waters*”.
- 5.46 In response to consultation, NRW state that controlled waters underlying the site not of the highest environmental sensitivity and on the assumption that gross contamination is not present at this location the requirements of PPW and The Guiding Principles for Land Contamination should be followed. If gross contamination is found the MPA should re-consult with NRW and recommend that



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the developer should follow their risk management framework, model procedures and ‘Guiding Principles for Land Contamination and the Principles and Practices for Groundwater Protection (GP3).

- 5.47 Both NRW and Gwynedd Public Protection Service recommend a planning condition to specify that if during the development, contamination not previously identified is found to be present, no further development (unless otherwise agreed in writing) shall be carried out until a remediation strategy shall be submitted for the approval of the MPA.
- 5.48 Notwithstanding the above, and in accordance with Planning Policy Wales, Gwynedd Council as mineral planning authority will be required to issue a notice with any grant of permission; *“to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that, although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from contamination”*.
- 5.49 There is also a requirement for general environmental management of the day to day operations including the installation of oil interceptors in surface water drainage systems, sufficient containment for run-off within materials storage and working areas including prevention of sediment laden drainage from haul roads to any watercourse and a requirement to monitor all pollution prevention measures to ensure no further deterioration of the Llyn and Eryri groundwater body.
- 5.50 The applicant confirms in the Environmental Statement that a Construction Environment Management Plan will be produced at the implementation stage in order to ensure good practice and mitigation to protect the water environment. The submission of such details under planning condition should summarise the scope of the development under consideration, the working conditions on site and measures to control environmental effects such as movements of HGVs, wheel wash facilities, sheeting of vehicles, secure storage areas, air quality, working hours, noise/vibration, waste management and pollution. The Construction Environment Management Plan should also outline a scheme of environmental control, e.g. monitoring potential run-off from silt & waste materials to mitigate for the potential environmental impact of the development & spill procedures. However, whilst it may be feasible to request the submission of a report under condition to demonstrate compliance, it would not be the intention to duplicate controls under the remit of NRW that would otherwise be the requirement of an Environmental Permit.
- 5.51 The site will require separate operating licences from Natural Resources Wales including a consent to discharge into the ground or watercourse and a permit under the Environmental Permitting Regulations for waste disposal operations. It is the intention therefore with any permission granted to issue a note to applicant to consult with Natural Resources Wales, Welsh Water and Gwynedd Council Flood Risk/Coastal Erosion and Gwynedd Public Protection on any issues that fall directly within their remit.
- 5.52 In terms of the assessment of planning matters, it is considered that the application and Environmental Statement provides a comprehensive assessment and suitable mitigation for issues concerning the control of surface water flows, flood risk, environmental protection and prevention of pollution and the proposal conforms to the requirements of Policies A1, A3, B28, B32, B33 & C3 of the Gwynedd Unitary

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Development Plan as well as policies PS6, PS18, PS19, CYFF 1 & CYFF5 of the emerging Joint Local Development Plan.

### **Biodiversity**

- 5.53 There are issues concerning biodiversity with this proposal that may be considered on many levels. The site itself is not subject to any environmental constraints such as an European SAC or National SSSI designation and for the most part, does not include any local biodiversity constraints, with the exception of the former brick store located within the river meander which includes dilapidated buildings and mature broadleaved woodland, which is designated as a local wildlife site under policy B17 of the Unitary Development Plan.
- 5.54 There exists however, established pathways connecting the site with statutory SAC designations within the wider landscape. As competent authority for the purposes of the Habitats and Species Regulations 2010, Gwynedd Biodiversity has undertaken a test of likely significant effects, the conclusions of which are summarised below (*Habitat and Species Regulations Assessment*).
- 5.55 Although the greater part of Seiont Quarry is not designated as a Wildlife Site, the council's Biodiversity service state that it is likely to support many species of national and local importance including, nesting birds, dragonflies and damselflies, reptiles, bats, badger, otter & invertebrates, specifically the Dingy Skipper butterfly listed under section 7 of the Environment Act 2016, as a UK biodiversity priority species.
- 5.56 With the suspension of minerals operations in 2008 and subsequent demolition of the brick manufacture plant, the quarry has developed into a site of high biodiversity value, including the establishment of planted trees & natural regeneration. With respect to protected species, it is likely that the site supports species of otter, badger, reptiles and nesting birds which are afforded statutory protection under the Wildlife and Countryside Act 1981. However, the proposals under consideration here are contained within previously disturbed land, although a condition could be imposed to provide mitigation for any possible impacts on protected species.
- 5.57 The Environmental Statement confirms a walkover survey of the Afon Seiont and the quarry in order to identify any sensitive features and establish the presence or absence of otter activity. The Afon Seiont is used by otters and whilst the quarry sump and wet ditch could provide a corridor suitable for otter movement to and from the river environment. The ES concludes that there was no evidence at the time of survey to confirm that the site itself supports a population of otters.
- 5.58 A Lesser horseshoe bat hibernation roost has been recorded in a derelict building in the former brick storage area but also brown long-eared, common pipistrelle, soprano pipistrelle myotis and noctule bats present within the vicinity of the site. The quarry contains suitable foraging habitats for lesser horseshoe bats such as scrub, grassland and woodland.
- 5.59 There are possible impacts of the development on foraging and commuting routes of bats and a lighting scheme should be submitted for the approval of the mineral planning authority. Furthermore, written consent must be obtained prior to any clearance of mature vegetation/linear features which may be used by bats. The ES does state that; "*mitigation measures will be incorporated into working method statements, including a pre-works bat survey of any trees which require removal, and a lighting strategy. The lighting strategy will ensure that artificial lighting is kept to a*

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*minimum and directed away from habitat features such as hedgerows and woodland edges which may be used by bats, and will adopt the following principles:*

- *avoidance of the use of external lighting when and where possible;*
- *minimisation of the period for which external lighting is on; and*
- *directional control of lighting to minimise spillage beyond the Construction Compound”.*

- 5.60 The exact specification of any external lighting could be the subject of a planning condition as would the removal of vegetation. However, the default position concerning the use of the existing haul route for the purposes of the development is that prior to the closure of the site in 2008, the same haul route was the principle means of transporting mineral from the working face down to the brick manufacturing plant, i.e. as permitted under the ROMP determination. Any engineering works required to the haul route would require the removal of birch regeneration which has colonised the western benches of the quarry. For the most part however, the haul route will follow the route of the existing track at a lower level to the copse of mature trees located on the western flank of the site.
- 5.61 Whilst the sustainability objectives of Planning Policy Wales promotes the preference for the re-use of vacant or underused land, the regenerative capacity of the site in terms of ecological value needs to be recognised. Chapter 4, Planning Policy Wales (Edition 9 –November 2016), provides a definition of previously developed land where provision for restoration has not been made through development management procedures. There are areas of the quarry that could satisfy the following exclusion criteria cited under the Figure 4.4 definition:
- Land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings.
- 5.62 A ‘do nothing scenario’ is often the best approach for restoration on minerals sites to promote biodiversity and areas of the quarry which have re-vegetated could provide a conservation model or template to integrate elements of biodiversity into the scheme of restoration. Notwithstanding, the site was fully operational as recent as 2008 and although certain areas have developed into wildlife habitat since that time, it should be borne in mind that operations involving the winning and working of minerals site may recommence under the terms of the ROMP determination at any time and without prior warning. Given that the route of the bypass will sterilise the greater part of the mineral reserve, the haul route may be restored in accordance with a full schedule of tree planting to be submitted for the approval of the local planning authority under condition.
- 5.63 In consideration of all of the above, whilst the operations may impact on newly established habitat within the site, it is not considered that the nature conservation value thereof would outweigh proposals for the re-use of the site, given that there is clear evidence that the site has the capacity to regenerate in a fairly short period of time.
- 5.64 In summary, the impact of the proposals includes; the removal of trees, ground vegetation and open mosaic habitat for operations involving works required for the re-alignment of the haul route. It is not considered that there will be significant biodiversity concerns with the temporary use of the concrete yard as a site compound other than the removal of self-seeded buddleia. Whilst the application plans include for the restoration of the concrete slab to a low maintenance grassland, it remains an

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option to remain in situ given that any groundworks may require a scheme of further ground investigation should any contamination be encountered. There remains an obligation to treat & restore the concrete hardstanding under the terms of the minerals permission which has partially been complied with following the demolition and removal of the brick manufacture plant. However, if the greater part of the site is to be restored in accordance with conservation objectives to a nature reserve, the hardstanding may be utilised as a car parking facility and the proposal would therefore comply with policies B15, B16, B17, B19, B20, B21 & D13 of the Unitary Development Plan as well as policies TWR 1 AMG 4 & MWYN 10 of the emerging Joint Local Development Plan.

### **Habitats and Species Regulations Assessment**

5.65 Under the Habitats Regulations 2010, plans and projects that are not for the management of a European Site, should be assessed for their significant effects to any European Sites.

There are several European Sites that could possibly be affected by this proposal at the Brickworks:

- Menai Strait and Conwy Bay SAC
- Glynllifon SAC
- Afon Gwyrfai a Llyn Cwellyn SAC

5.66 Menai Strait and Conwy Bay Special Area of Conservation (SAC)

- The Menai Strait SAC is 1.8km from the Brickworks.
- The Menai Strait SAC is mostly subtidal and it is designated for its marine habitats. The habitats of the Menai Strait and Conwy Bay SAC are sensitive to toxic contamination from industrial outfalls/accidental spillages/contaminated leachates from waste facilities/domestic effluent outfalls.

5.67 The proposed compound is located within 20meters of the River Seiont and within the C2 flood zone. Flood Consequence Assessment (WaterCo Consultants April 2016) shows that the likelihood of flooding at the proposed compound is low and it is unlikely that material stored on the site will be washed into the River Seiont and transported out to sea.

5.68 Conclude that this proposal is unlikely to have a significant effect on the Menai Strait SAC

5.69 Glynllifon Special Area of Conservation

- The Glynllifon SAC is designated for its population of lesser horseshoe bats.
- The Brickworks is 6km from the Glynllifon SAC.

5.70 Lesser horseshoe bats are able to fly more than 14km in one night and it is likely that any lesser horseshoe bats present at the brickworks is associated with the meta-population belonging to the Glynllifon SAC. Lesser horseshoe bats are known to roost at the Brickworks, 130meters from the proposed compound location. This roost is a hibernation site (although bats are present in the summer months) and it has low numbers of bats (3-11). The River Seiont provides an essential foraging and commuting route for lesser horseshoe bats in the area.

5.71 The proposal is unlikely to impact the bat roost directly, but any site lighting and the loss of habitats could reduce the foraging abilities of the bats or sever their commuting routes. The proposal would not have long term impacts to the lesser

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horseshoe bat population; however it is important that the site be restored to a habitat that is suitable for bats.

5.72 Afon Gwyrfai a Llyn Cwellyn SAC

- The Afon Gwyrfai SAC is designated for habitats and species:

5.73 The only feature of the Gwyrfai SAC that could be affected by this proposal is otter. The Seiont River is used by otters and it is very likely that the otter along the Seiont are part of the population associated with the Gwyrfai.

5.74 The proposed works are unlikely to affect otters and therefore unlikely the proposal is unlikely to have significant effect on the Gwyrfai SAC. However it is important for the movement of otters through the landscape that the site is restored with ditches/watercourses to create commuting habitat for otters.

### Summary

5.75 The proposal to use the site as a site for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including, a site compound, offices, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of a haul route, at the disused Brickworks, is not likely to have a significant effect on any sites designated under the Habitats and Species Regulations 2010. NRW agree with the conclusion of the LPA assessment under the Conservation of Habitats and Species Regulations 2010 that there will be no significant risk of impacts on protected sites (SPA/SAC/SSSI) from the development proposals.

### Sustainability matters

5.76 Figure 4.2 of Planning Policy Wales provides a definition of sustainable development in Wales where; “sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals”. Furthermore, this report has assessed the sustainability issues of this application in accordance with the goal of sustainable development in paragraph 4.1.1 of PPW to; “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations”, and in accordance with the seven well-being goals of, ‘The Well-being of Future Generations (Wales) Act 2015’ to help ensure that public bodies are all working towards the same vision of a sustainable Wales.

5.77 The development at Seiont may be considered ancillary to the requirements of a Government funded road infrastructure project and time-limited as accordingly, and Policy C3 is considered relevant, (*proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate*) given that this is a proposal to reuse a site with a valid planning permission having ceased operation in 2008. Also, paragraph 4.9 of Planning Policy Wales, ‘*preference for the re-use of land*’ states that; ‘many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives.

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## **The Economy**

- 5.78 Technical Advice Note 23, Economic Development states; in determining planning applications local planning authorities need to bear in mind that traditional business use, classes B1-B8, only account for part of the activity in the economy. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations. It further states that; Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development.
- 5.79 As previously stated, the A487 Trunk Road forms part of the strategic road network in North Wales that links with the A55 corridor further along the coast. The bypass scheme will relieve congestion problems in the Caernarfon and Bontnewydd area, providing a link between improved sections of Trunk Road and addressing the requirement for a consistent quality road infrastructure.
- 5.80 There are economic, logistical and environmental benefits to be derived from the use of the quarry in connection with construction of the proposed A487 Caernarfon to Bontnewydd bypass and the proposal is likely to make a positive contribution on the economy of the area in accordance with Strategic Policy 16 of the Unitary Development Plan.

## **Public Rights of Way**

- 5.81 There are no public footpaths or rights of way are located within the boundary of the site and there is no requirement therefore to make any provision for specific protection.

## **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 impacts on residential amenity, haulage, noise, dust, vibration & hours of operation, biodiversity, landscape, cultural heritage, flooding, land stability, longevity of operations and cumulative impact with the bypass proposals.
- 6.2 The Mineral Planning Authority has considered these objections as material considerations in preparing a recommendation for this application. Furthermore, the material considerations relevant to this proposal have been assessed having regard to the relevant planning policies and guidance and it is not considered that there is justification to refuse this application.

## **7. Conclusions**

- 7.1 This is one of two current planning applications submitted for development proposals in conjunction with the Caernarfon to Bontnewydd bypass scheme. All of the elements that form part of this application are inclusive in the development proposals submitted with the larger, sister application, C17/0011/19/MW. Whilst in isolation this application would not trigger the development criteria for an Environmental Impact Assessment, the relevant supporting documentation and environmental information included in the Environmental Statement has been considered within the context of the development proposals included in this planning application.

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- 7.2 The development at Seiont may be considered ancillary to the requirements of a Government funded road infrastructure project and time-limited as accordingly, and Policy C3 of the UDP & Policy CYF 2 of the emerging Local Development Plan are considered relevant, (*proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate*) given that this is a proposal to reuse a site with a valid planning permission having ceased operation in 2008. Also, paragraph 4.9 of Planning Policy Wales, *'preference for the re-use of land'* states that; 'many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. It is considered therefore that the development in principle complies with National and Regional Planning Policy and Guidance as well as the requirements of Policies; A1, A3, & C3 of the Unitary Development Plan and Policies; CYF 2, PCYFF 1 & TRA 1 of the emerging Joint Local Development Plan.
- 7.3 Although the extent of the workings and former brickworks site are substantive, the site is generally well screened by mature vegetation, surrounding topography and the suburban environment of Caernarfon. It is not considered that the proposal, cumulatively or as a stand-alone project, will have significant impacts on statutory or non-statutory landscape designations. The greatest visual change would occur to the north-west of the clay pit where a new haul road connecting with the bypass construction site is proposed in an area of grazed farmland. The Eryri Hospital and public footpath that runs alongside the river Seiont from the A4085 to Seiont Mill Road would be affected by the establishment and operation of the site compound and the construction of a new haul road.
- 7.4 It is not considered that the proposal, cumulatively or as a stand-alone project, will have significant long-term impacts on cultural heritage assets or the geomorphological interest of the site and the proposal complies with Policy B3, B6, B7, B12 & B18 of the Gwynedd UDP but also Policy PCYFF 1, AMG 2, AT 1 & AT 4 of the emerging Joint Local Development Plan.
- 7.5 Commencement and completion of operations to be the subject of a written notification to the Local Planning Authority to ensure that the works are completed in as short a timescale as possible to minimise disturbance to local amenity. With the imposition of planning conditions to limit the impacts of noise, dust, haulage, hours of working and duration of the project, 4 years in total, it is considered that the development conforms to policies B23, B30, B33 of the Gwynedd UDP but also Policy PCYFF 1 of the emerging Joint Local Development Plan. Issues that would otherwise fall within the remit of the Natural Resources Wales have been listed in this report, e.g. 'the requirement for a waste permit under the Environmental Permitting Regs. 2010 will be brought to the attention of the developer by means of a 'note to applicant' issued with planning permission, but will not feature in the list of planning conditions on the actual decision notice.
- 7.6 There are economic, logistical and environmental benefits to be derived from the use of the quarry in terms of highway impacts, given that it is located immediately alongside the proposed bypass route. By choosing to make use of a quarry with a direct link to the bypass via internal haul roads, none of the materials haulage movements to and from the quarry would involve the use of HGVs on public roads and the proposal therefore complies with Policy CH33 & CH36 of the Gwynedd Unitary Development Plan as well as Policy PS 5 & TRA 1 of the emerging Joint Local Development Plan.

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- 7.7 In terms of the assessment of planning matters, it is considered that the application and Environmental Statement provides a comprehensive assessment and suitable mitigation for issues concerning the control of surface water flows, flood risk, environmental protection and prevention of pollution and the proposal conforms to the requirements of Policies A1, A3, B28, B30, B32, B33 & C3, of the Gwynedd Unitary Development Plan as well as policies PS6, PS18, PS19, CYFF 1 & CYFF5 of the emerging Joint Local Development Plan.
- 7.8 The proposal to use the site as a site for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including, a site compound, offices, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of a haul route, at the disused Brickworks, is not likely to have a significant effect on any sites designated under the Habitats and Species Regulations 2010. NRW agree with the conclusion of the LPA assessment under the Conservation of Habitats and Species Regulations 2010 that there will be no significant risk of impacts on protected sites (SPA/SAC/SSSI) from the development proposals.
- 7.9 The site itself is not subject to any environmental constraints such as an European SAC or National SSSI designation and for the most part, does not include any local biodiversity constraints. Whilst the operations may impact on newly established habitat within the site, it is not considered that the nature conservation value thereof would outweigh proposals for the re-use of the site, given that there is clear evidence that the site has the capacity to regenerate in a fairly short period of time. Subject to appropriate mitigation under planning conditions in respect of protected species and provision for the restoration of the haul road the proposal would therefore comply with policies B15, B16, B17, B19, B20 & B21 of the Unitary Development Plan as well as policies TWR 1 & AMG 4 of the emerging Joint Local Development Plan.
- 7.10 The A487 Trunk Road forms part of the strategic road network in North Wales that links with the A55 corridor further along the coast. The bypass scheme will relieve congestion problems in the Caernarfon and Bontnewydd area, providing a link between improved sections of Trunk Road and addressing the requirement for a consistent quality road infrastructure.
- 7.11 There are economic, logistical and environmental benefits to be derived from the use of the quarry in connection with construction of the proposed A487 Caernarfon to Bontnewydd bypass and the proposal is likely to make a positive contribution on the economy of the area in accordance with Strategic Policy 16 of the Unitary Development Plan.
- 7.12 The proposal satisfies the sustainability goals of Planning Policy Wales and The Well-being of Future Generations Act (Wales) 2015.
- 7.13 Considering the above and having considered all the relevant matters including local and national policies and guidelines, and the observations received including letters of objection, it is not believed that the proposal is unacceptable or contrary to the requirements of the policies noted above. Therefore, based on the above, it is believed that the proposal is acceptable.
8. **Recommendation**
- 8.1 **To authorise the Senior Manager, Planning and Public Protection Services to approve the application subject to the following scope of conditions and where**



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**indicated, the submission of specific information in accordance with the requirements of conditions prior to the commencement of the development;**

- Commencement within 3 years
- Duration of Working 5 years
- Permitted Operations & Compliance with the Submitted Details/Plans
- Operating times as existing; 07:00 - 19:00 Monday to Friday; 07:00 - 13:00 on a Saturday and no mineral working to take place on Sundays, Bank & Public Holidays.
- Deliveries of materials for concrete and asphalt batching restricted to the off-road haul route indicated on the application plan
- Full tree and shrub planting schedule in works of restoration,
  - Noise During normal working hours (0700-1900) the noise rating level should not exceed 55dB(A) LAeq,1hr (free field). Evening (1900-2200) limits should not exceed background level by more than 10dB(A),
  - Night time limits should not exceed 42 dB (A) LAeq, 1hr free field at noise sensitive dwellings. (MTAN1).
  - Temporary operations not to exceed 70 dB LAeq, 1h (free field) for up to 8 weeks in a year.
  - Noise monitoring survey as per the written request of the Mineral Planning Authority, to be undertaken in accordance with British Standard BS.4142:2014 'Methods for rating and assessing industrial and commercial sound' to assess and demonstrate compliance /conformity with the boundary noise limit,
  - Use of 'white noise' reversing alarms,
- Remediation strategy if, during the development, contamination not previously identified is found to be present,
- Storage of fuels
- Requirement to specify full details of the foul water storage tank to be submitted for the approval of the local planning authority prior to works commencing with a further condition requiring that any temporary infrastructure related to foul drainage on the site is fully decommissioned and removed from the site when the permission expires,
- Use of a water bowser on haul routes, dampening of processing areas and processed materials and keeping a log of dust complaints
- dust survey to be undertaken for a minimum period of 6 months at agreed locations and that crushing, screening conveying and other operations likely to give rise to airborne dust should be contained within appropriate housing
- Construction Environment Management Plan to ensure good practice and mitigation to protect the water environment including; working conditions on site and measures to control environmental effects such as movements of HGVs, wheel wash facilities, sheeting of vehicles, secure storage areas, air quality, working hours, noise/vibration, waste management and pollution. Also, the monitoring potential run-off from silt & waste materials to mitigate for the potential environmental impact of the development & spill procedures,
- Provision for the recording of excavations within the Regionally Important Geological Geomorphological Site (RIGS),
- Exact specification of any external lighting could be the subject of a planning condition as would the removal of vegetation affecting bat flight lines,
- Note to applicant referring to the consultation response of Natural Resources Wales, Gwynedd Council Flood Risk Management and Coastal Erosion service, Gwynedd Public Protection and Welsh Water, referring to specific controls within their remit,
- Note to applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner,
- Note to applicant that the application has been assessed in accordance with the seven sustainability goals of the Well-being of Future Generations Act (Wales) 2015.