

PLANNING COMMITTEE	DATE: 18/05/2026
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C22//0977/36/AC

Date Registered: 21/10/2022

Application Type: Variation of Condition

Community: Dolbenmaen

Ward: Dolbenmaen

Proposal: Application under Section 73 to vary conditions 2, 5 and 37 of planning permission reference C12/0495/36/MW so as to extend the period for the winning and working of mineral up to 31/12/2030 and restoration of the site by 31/12/2031, increase annual output of material from the site to 100,000 tonnes at an average rate of 14 loads per day and use material that has not derived from the operations permitted on site as part of the restoration plan.

Location: Llecheiddior Uchaf, Bryncir, Garndolbenmaen, Gwynedd, LL51 9EZ

Summary of the Recommendation: To delegate powers to the Head of the Environment Department to approve the application, subject conditions

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1. Description:

- 1.1 This is an application under Section 73 of the Planning Act 1990 to vary conditions 2, 5 and 37 of planning permission reference C12/0495/36/MW. The proposed amendments are for extending the period for the winning and working of mineral up to 31/12/2030 and restoration of the site by 31/12/2031 (Condition 2), increase annual output of material from the site to 100,000 tonnes at an average of 14 loads per day (Condition 5) and use material that has not derived from operations on site as part of the restoration plan (Condition 37).
- 1.2 Currently, the conditions stipulate and end date to operations of 31/12/2025 and restoration of the site by 31/12/2027. Condition 5 restricts material output from the site to 50,000 tonnes annually at no more than 14 loads per day with condition 37 stating that only mineral waste derived from operations permitted shall be deposited on site and no waste materials shall be imported.
- 1.3 The application site is a sand and gravel quarry located on 4 parcels of land around Llecheiddior Uchaf to the east of the village of Bryncir. Access to the site for vehicles associated with the extractive operations is gained along an unclassified public highway that leads from Bryncir to Llecheiddior Uchaf. Access can then be gained to other parcels of the site by off-road tracks and by uncontrolled vehicle crossing points (across the Class 3 public highway from Melin Llecheiddior to Efail Cenin).
- 1.4 Previously, the land was undeveloped and used for agriculture and restoration conditions with the associated permission requires the land to be restored for such use.
- 1.5 The mineral is not worked on site; this is done at Bryncir Quarry (located approximately 700m away by road) and is subject to a separate planning permission and conditions (C09D/0375/36/LL).
- 1.6 Section 73 enables an applicant to apply to develop land without compliance with conditions attached to an extant previous planning permission. Under this section the Local Planning Authority may amend or remove conditions but may not amend any other part of the permission. A successful s.73 application results in the grant of a new planning permission and therefore the original permission remains intact. When determining a s.73 application, the LPA may impose conditions beyond those proposed in the application. However, the conditions imposed should only be ones which could have been imposed on the original permission. It has previously been held that the amendments permitted should not amount to a “fundamental alteration” of the proposal put forward in the original application.
- 1.7 The proposed development therefore does not fall within the description and criteria set out in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. However, the development does fall within the description of development set out in Paragraph 2 to Schedule 2 of the Regulations (quarries, open cast mining and peat extraction) & paragraph 13 (any change to or extension of development where that development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse effects on the environment). Having screened and assessed the proposal in accordance with the development criteria under Schedule 3, it is considered that the likely impact of the development on the environment is insufficient to justify the submission of an environmental impact assessment with the planning application.

2. Relevant policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take

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reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

PS1: Welsh language and culture
 PS 4: Sustainable transport, development and accessibility
 TRA 2: Parking standards
 TRA 4: Managing transport impacts
 PCYFF 2: Development criteria
 PCYFF 3: Design and place shaping
 PCYFF 4: Design and landscaping
 PCYFF 6: Water conservation
 PS 5: Sustainable development
 PS 13: Providing opportunity for a flourishing economy
 AMG 5: Local Biodiversity Conservation
 PS 19: Conserving and where appropriate enhancing the natural environment
 PS 20: Preserving and where appropriate enhancing heritage assets
 MWYN 1: Safeguarding mineral resources
 MWYN 2: Preferred areas
 MWYN 3: Mineral developments
 MWYN 5: Buffer zones around mineral sites
 MWYN 9: Restoration and after care
 PS 22: Minerals

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 – February 2024)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates

Technical Advice Note (TAN) 5: Nature Conservation and planning

TAN 11: Noise

TAN 18: Transport

TAN 20: Planning and the Welsh language

TAN 24: The historic environment

3. **Relevant Planning History:**

- G23/0156: Phase 3 of the mineral extraction area subject to ongoing joint enforcement investigation by the Mineral Planning Authority and Natural Resources Wales to the unauthorised disposal of inert waste material.
- C23/0522/36/LL 'Application for a vertical extension of existing sand and gravel pit, partial backfilling and site restoration to agriculture' – Application withdrawn.
- C17/0837/16/AC 'Application under Section 73 to vary conditions 1 and 2 on planning permission C12/0495/36/MW to extend the period for the commencement and implementation of development for the winning and working of sand and gravel and restoration to agricultural use' – Refused on the basis the permission had already been implemented on 29/11/2017.
- C12/0495/36/MW 'Winning and working of sand and gravel and restoration to agricultural use' – Permitted on 29/04/2013.
- 3/4/1089 'Section 52 Legal Agreement between Arthur Salisbury Ltd and Cyngor Gwynedd for the restoration of land at Llecheiddior Ganol following cessation of mineral working' – 17/11/1977.

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- 5600 'Extension of sand and gravel pit and erection of temporary shed for workers at Llecheiddior Uchaf' – Permitted 03/04/1958.
- 5179 'Recommencement of winning and working of sand and gravel pit at Llecheiddior Uchaf' – Permitted on 18/11/1957.
- Planning permission under Planning Act 1945 for winning and working of sand and gravel at Llecheiddior Uchaf – Permitted on 06/05/1947.

Also relevant is the permission for the processing of material at Bryncir Quarry under;

- C09D/0375/36/LL 'Prosesu a bagio agregau, crynhoi concriid yn ogystal ag hailgylchu pridd a deunyddiau gwastraff anadweithiol megis llechi, tywod a graean / Processing and packing of aggregates, concrete batching in addition to recycling soil and inert waste materials such as slate, sand and gravel' – Permitted on 12/04/2010.

4. Consultations:

Community Council:

Response received on 04/11/2022:

The Community Council met last night, and the following application was discussed: C22/0977/36/AC: No objection is provided as long strict conditions are attached to planning permission to control dust that is left on the road/pavement/windows and doors of houses in Bryncir. The Council strongly feels that conditions are needed such so as not to over fill vehicles, sheet/cover the loads and/or wetting the loads each time before it is carried through the village. Additionally, that the road and the pavement is cleaned regularly.

Transportation Unit:

Response received on 22/11/2022:

Here are comments supplied to the applicant during the PAC (on a separate application C23/0522/36/LL):

I note that the excavation appears to run parallel to the highway. I would ask that you provide illustrative cross sections to confirm the location and profile of the excavations in relation to the highway to demonstrate there will be no impact. Having undertaken a site visit it was noted that the condition of the access road is deteriorating. When considering this and that the proposal would, on average, double the vehicular movements associated with the quarrying, I would ask that you agree to maintain the road for the duration of the quarry sites being operational. In conjunction with this I would ask that you agree to arrange regular condition surveys for the two structures that cross water courses, which should be undertaken by an appropriate organisation. I would also welcome a proposal detailing the permanent reinstatement of the road and discussions to confirm a timeframe for these works.

Public Rights of Way Unit

Response received on 01/11/2022:

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

Natural Resources Wales:

Response received on 11/11/2022:

No objection and general comments and advice provided.

Dŵr Cymru:

No comments submitted.

Public Protection Unit:

No comments submitted.

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Biodiversity Unit:

Response received on 03/01/2023

I do not have any objection the principle of this extension for time, however I recommend that the applicant provides updated reports on ecology, hydrology, and a restoration plan.

Site data

- There is a candidate Wildlife Sites (non-statutory) next to the proposed quarry. This Wildlife Site is directly on the boundary of the proposed quarry. The habitat here is a wet woodland of scattered grey willows and an acid flush with Sphagnum mosses, cranberry, marsh violet, star sedge, marsh pennywort, purple moor-grass, bog pimpernel and heathers. This Wildlife Site is of high biodiversity value, containing habitats listed under section 7 of the Environment Act 2016 by the Welsh Government: wet woodland & upland flushes and fens.
- Breeding grasshopper warbler is present adjacent to the site; this bird is also listed under section 7.
- The quarry site is within 500 meters of the Afon Dwyfach which has records of rare and endangered aquatic invertebrates that are very sensitive to pollution.

Ecological Reports

None provided for this application for discharge of conditions, but several ecological reports were provided for the initial mineral application in 2012.

Hydrology

The hydrology report in 2012 stated that the excavation must not be deeper than 1meter above the water table. I recommend that an updated hydrological report is provided to ensure that the mineral extraction has not impacted the hydrology of the nearby Wildlife Site and its wetland habitats. A hydrological monitoring report should be provided.

Restoration Plan & Biodiversity Enhancement

There is no copy of a restoration plan with this planning application nor the application in 2012. I recommend that before these conditions are discharged that a restoration plan is provided which shows biodiversity enhancement through the creation of habitats such as rush pasture, small pools, sand banks for nesting birds and bees etc.

INNS

I recommend that an updated non-native invasive plant species report is provided showing the location on a map and the extent of all INNS.

Afon Dwyfach

A pollution prevention plan must be provided.

Gwynedd Archaeological Planning Service:

Response received on 26/10/2022:

Thank you for the below consultation. There are no archaeological implications associated with the variation of these conditions and therefore we have no comments.

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North and Mid Wales Trunk Roads Agency:	<p><u>Response received on 16/11/2022:</u> I refer to your consultation of 26/10/2022 regarding the above planning application and advise that the Welsh Government as highway authority for the A487 trunk road does not issue a direction in respect of this application.</p>
CADW:	<p><u>Response received on 01/11/2022:</u> Thank you for your consultation. <u>Advice</u> CN021 Llystyn Gwyn Inscribed Stone CN280 Hut Circle East of Taleifion CN281 Enclosed Hut Group North-East of Llystyn Uchaf The above scheduled monuments are located inside 3kmm of the proposed development, but except for CN281 Enclosed Hut Group North-East of Llystyn Uchaf intervening topography, buildings and vegetation block all views between them. The proposal is to extend the period for the winning and working of minerals up to 31/12/2030 and the restoration of the site by 31/12/2031 and to increase the annual output of material from the site to 100,000 tonnes at an average rate of 14 loads per day and use material that has not derived from the operations permitted on site as part of the restoration plan Whilst potentially inter-visible with the quarried area and its restoration the proposal is outside of the identified significant view.As such whilst there may be a very slight visual change in the view from the monument this will not have any effect on the way that it is experienced, understood, and appreciated. Consequently, the proposed development will have no impact on the setting of scheduled monument. Cadw therefore has no objections.</p>
Eryri National Park:	No response
Public Consultations:	<p>A notice was placed in the press, notices were placed in several locations close to the site and nearby residents were informed. The advertising period has expired, and comments were submitted noting objection on the following grounds;</p> <ul style="list-style-type: none"> • Vehicles used for transporting material to Bryncir Quarry are for 'site' use and not for the public road (under Section 149 of the Highway Act). • Vehicle movements under current permitted operations are not sheeted or washed prior to entering the highway and therefore, fugitive dust is a constant issue. • Current vehicle movements leave significant amount of dust pollution on public highway/pavement and residential properties. • The surface of the road to the extraction area is of a very poor state of repair and compounds the dust issue as well as gravel carried into the village and highway. • Road sweeper currently employed by operator raises more dust (than vehicles hauling mineral from site).

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5. Assessment of the material planning considerations

Principle of development

- 5.1 The proposed changes to the existing planning conditions include and extended working life of the quarry, increase in the annual tonnage of output, increase in traffic output and importation and use of soils or soil-forming materials in restoration.
- 5.2 The principle of extending the lifespan of the mineral extraction operations on site until 31/12/2030 by amending condition 2 (of C12/0495/36/MW) is based on policy Strategic Minerals Policy PS 22 & Policy MWYN 3 of the Anglesey and Gwynedd Joint Local Development Plan 2011 (JLDP). Policy PS 22 states that the council will contribute to the continuous regional and local demand for a supply of minerals by maintaining a minimum 7 years land bank of Sand and Gravel and 10 years land bank of crushed rock aggregate reserves in line with national guidance.
- 5.3 Planning Policy Wales Edition 12 (PPW) integrates the Welsh Government's planning policies for minerals development which were previously set out in Minerals Planning Policy Wales (2001). In accordance with the requirement of PPW 12, Gwynedd Council as the Mineral Planning Authority has a duty to ensure that mineral resources are exploited in a sustainable way so that they can make an appropriate contribution to the area's construction materials requirements. The key principles noted in the section 5.14 (Minerals) of the PPW are;
- Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;
 - Protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
 - Reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and
 - Achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.
 - Amongst other objectives, Planning Policy Wales recognises that mineral working is different from other forms of development in that extraction can only take place where the mineral is found to occur, and that the development is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time.
- 5.4 Gwynedd Council, along with all of the Welsh Authorities have endorsed the Regional Technical Statement (RTS) produced by the North Wales Regional Aggregates Working Party (NWRAP). The statement has been prepared in accordance with the provisions of the Minerals Planning Policy (Wales) and Technical Advice Note (Wales) 1: Aggregates (MTAN1), to set out an overarching objective to ensure a sustainable managed supply of aggregates;
- "... so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interest of acknowledged importance".*
- 5.5 The main purpose of the Regional Technical Statement is to set out the strategy for the provision of the aggregates in the North Wales region. The 2021 RTS identified an existing permitted reserve of sand and gravel in Gwynedd of 1.175 million tonnes (an equivalent of 6.7 years land-bank) with a shortfall and minimum allocation needed to meet required provision of 2.659 million tonnes.

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- 5.6 The applicant has stated that the reason for amending condition 2 is; *“Restricted operations and limited demand during the period of COVID limitations means that extraction of permitted minerals will not be completed by the date of 31/12/2025 required by Condition 2. Variation of Condition 2 to allow extraction until 31/12/2031 will allow extraction throughout the lease period.” and condition 5;*
- 5.7 The proposed amendments are for extending the period for the winning and working of mineral up to 31/12/2030 and restoration of the site by 31/12/2031 (Condition 2), increase annual output of material from the site to 100,000 tonnes at an average of 14 loads per day (Condition 5) and use material that has not derived from operations on site as part of the restoration plan (Condition 37).
- 5.8 The continuation of sand and gravel extraction at Llecheiddior Uchaf will ensure that the Council can fulfil its apportionment obligations in the RTS, of supplying minerals for the North Wales sub-region and maintain a 7-year landbank of sand and gravel. There are few permitted reserves of sand and gravel in North West Wales and this proposal will secure an essential supply of sand and gravel for the local building economy, and therefore the principle of the development is acceptable.

Visual amenities and landscape

- 5.9 Policies PCYFF 3, PCYFF 4, MWYN 3 and MWYN 9 of the JLDP are all relevant considerations in assessing landscape and visual impacts. The significance of such impacts is determined by the combined effect of the magnitude of change and the sensitivity of the receiving landscape.
- 5.10 This application seeks to prolong the operational lifespan of the development and amend the wording of condition 37 so as to allow importation of material for restoration purposes. While extending the operational period would naturally prolong associated visual impacts in the medium term, the site forms part of an established mineral working. Within this context, it is not considered that the proposal would give rise to any significant additional visual effects.
- 5.11 Sand and gravel extraction is typically more dynamic than hard rock quarrying, as reserves are often located beneath agricultural land and can be worked relatively quickly using standard excavators. For this reason, the Mineral Planning Authority requires progressive restoration to mitigate impacts and to offset the temporary loss of amenity and productive land. To date, previously worked areas have been reinstated effectively, predominantly back to agricultural use, and now integrate well with the surrounding landscape.
- 5.12 Currently, condition 37 limits materials that can be deposited to mineral wastes derived from the permission area. As the mineral excavated and transported to Bryncir Quarry for processing there is currently no mechanism to allow for mineral wastes derived from the processing of the material to return to the site.
- 5.13 There is also no mechanism allowing for importing any restoration growth medium if the use of onsite material is unsuccessful. The allowance for imported soils or soil-forming material, subject to prior written approval of their suitability, provides flexibility to achieve restoration.
- 5.14 The condition is necessary to ensure that restoration is implemented in a controlled, transparent and compliant manner, using only materials that are demonstrably suitable and necessary for the approved agricultural after-use or mineral waste derived from the extraction site. Restricting importation to (i) soils/soil-forming materials pre-approved for suitability as a growing medium and (ii) mineral wastes directly arising from Llecheiddior operations (including where processed at Bryncir under the related consent) prevents the unauthorised disposal of external inert waste and ensures the proposal does not amount to a materially different form of development.

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- 5.15 Requiring the operator to maintain and submit detailed records of all material movements between Llecheiddior and Bryncir will provide transparency and allow the Local Planning Authority to monitor compliance effectively. This mechanism is considered necessary and proportionate to ensure the restoration proceeds as approved and to protect environmental quality and amenity in line with Policy PS 19.
- 5.16 Overall, the revised condition represents a controlled and enforceable approach to managing restoration materials, ensuring that only appropriate soils and site-related mineral wastes are deposited, that volumes remain within defined limits, and that the development continues to operate within the scope of the originally permitted scheme.
- 5.17 Given the existing quarry footprint, the landscape and visual effects associated with the continued operation remain limited. Extending the timescale of the development and alterations to allow for limited importation of soils or soil-forming materials and mineral wastes derived from site would not introduce any significant changes in this regard. Therefore, subject to the retention of existing conditions, the proposal is considered to comply with Policies PCYFF 3, PCYFF 4, MWYN 3, MWYN 9 and PS 19 of the JLDP.

General and residential amenities

- 5.18 Policy MWYN 3 of the JLDP states that extensions to existing mineral sites will be acceptable subject to no unacceptable harm to the amenity or health of residents in terms of visual impact, levels of dust, noise, vibration, and light as a result of the operation itself or the resulting traffic movements.
- 5.19 MTAN 1 Wales; Aggregates and policy MWYN 5 of the JLDP recognises that there is often a conflict between mineral workings and other land uses and has established the principle of buffer zones around permitted and allocated mineral extraction sites. The objective of a buffer zone is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance. MTAN1 recommends a minimum distance of 100 metres for sand and gravel operations. There is a single residential property, Llecheiddior Uchaf, within 100m of the permission area. The closest two phases of the development have been fully excavated and restored to agricultural use and remaining extraction areas are beyond the 100m buffer.
- 5.20 The applicant has submitted a Transport Assessment (amended in October 2025) which considers the traffic implications of the proposed development. The assessment identifies that the additional traffic movements would equate to an average of 14 HGV loads per day, using 25-tonne vehicles, with a maximum of up to 28 loads per day. The proposed haul route would remain unchanged and would utilise an existing section of closed public road, which has been unavailable to general traffic since 2019. The existing planning condition allows for an average of 14 HGV loads per day on an annual basis. This provides operational flexibility to respond to fluctuations in demand without resulting in an overall increase in traffic movements. In practice, this would generate traffic levels comparable to operating at a steady rate of 14 loads per working day throughout the year. The alternative to the proposed approach would be to extend the duration of mineral extraction operations in order to enable the full recovery of the permitted mineral. This would prolong the operational life of the site and associated impacts, including HGV movements, over a longer period, rather than concentrating activity within the current proposed timescale.
- 5.21 Given the separation distance and evidence to demonstrate that the site already operates without detriment to amenity under the terms of planning conditions and/or environmental permits it is considered that the proposal complies with policy PCYFF 2, MWYN 3 and MWYN 5 of the JLDP.
- 5.22 It is considered therefore that subject to appropriate conditions to control the impacts of noise and dust and working hours the proposal will not have a detrimental impact on the amenities of the area and therefore conforms to policy PCYFF 2, MWYN 3 & MWYN 5 of the JLDP.

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Traffic matters, Public Rights of Way and Common Land

- 5.23 The proposal includes an increase to the extraction tonnage limit from 50,000 to 100,000 tonnes per annum.
- 5.24 No mineral processing occurs within the Llecheiddior Uchaf sand and gravel pit and all mineral extracted is hauled to the applicant's nearby site at Bryncir Quarry. Operations at Bryncir Quarry are permitted under separate planning permission, reference C09D/0375/36/LL, for the processing and packing of aggregates, concrete batching in addition to recycling soil and inert waste materials such as slate, sand and gravel.
- 5.25 The two sites are not linked in planning terms and there is no specific requirement of the existing permission for mineral extracted at Llecheiddior Uchaf to be processed at Bryncir Quarry.
- 5.26 The applicant has provided a Transport Assessment (amended in October 2025). This assessment details that the additional traffic movements will equate to an average of 14, 25 tonne loads per day up to a maximum of 28 loads per day with the haul route remaining unchanged and provided by an existing closed public road (since 2019).
- 5.27 Given that the first three phases of the development have been completed, there only remains Phase 4 to be extracted. Mineral available in Phase 4 was calculated to be approximately 347,040 tonnes in the submission of the original application.
- 5.28 No objection has been raised by the Gwynedd Council Highway Authority or The North and Mid Wales Trunk Road Agency.
- 5.29 It is considered therefore that the existing road network is of sufficient standard to deal with the flow of traffic expected from the site the development is therefore compliant with Policy TRA 4 of the Gwynedd and Môn Joint Local Development Plan 2011 – 2026.

Hydrology and Hydrogeology

- 5.30 The application does not propose any changes to the existing hydrological protection measures previously approved as part of the development.
- 5.31 Since the submission of the application, Welsh Government have published a revised TAN 15 on the 31st of March 2025. The revised TAN 15 is titled 'Development, flooding and coastal erosion' and is accompanied by Circular 002/2025 'Guidance on The Town and Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025' and clarification letter from the Chief Planner of the Welsh Government's Planning Directorate. Section 1 of the new TAN 15 states "This document replaces Technical Advice Note 14, published in 1998 and Technical Advice Note 15, published in 2004. Development Plans and planning decisions should no longer refer to those documents."
- 5.32 However, the clarification letter states "*...the publication of new guidance may have impacts on the processing of planning applications so there will be a transitional period for the implementation of the TAN. Planning applications which were submitted and registered before the publication of the new TAN will continue to be assessed against the previous version...*"
- 5.33 Therefore, official guidance from the Welsh Government is for planning applications submitted and registered prior to the 31st of March 2025 is for assessment of flood risk to be made on the policy content of the 1st edition of TAN 15 published in 2004.
- 5.34 TAN 15 (2004) is supported by Development Advice Maps (DAM) that have been substituted by Flood Map for Planning (FMfP) that were released pending the adoption of the revised TAN 15.

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A delay in adopting the revised TAN 15 required LPAs to consider both DAM and FMfP given that the later included the most recent and correct data.

- 5.35 Small portions of the application site is situated within a 'Surface Water and Small Watercourse Flood Zone 3' on the Flood Map for Planning. There have been no objections or concerns relating to drainage or flood risk in response to consultation with Natural Resources Wales or Lead Local Flood Authority and it is considered therefore that the proposal will not have a detrimental impact on the flood risk and complies with PCYFF 6 and the requirements of TAN 15 (2004).
- 5.36 It is considered that the proposed development would not have any detrimental effect on hydrological features and flood risk and complies with the requirements of Strategic Policy PS 19 and Policy AMG 3, AMG 5, PCYFF 2, PCYFF 3, PCYFF 6 and MWYN 3 of the Gwynedd and Môn Joint Local Development Plan 2011 – 2026.

Ecological and biodiversity matters

- 5.37 The site is located on agricultural land with candidate wildlife sites nearby and the Site of Special Scientific Interest of 'Llystyn Gwyn' 500-600m to the south east.
- 5.38 The local authority's biodiversity officer has been consulted and provided comments on the development. The key sensitive sites surrounding the sites are;
- A Candidate Wildlife Site lies immediately adjacent to the quarry boundary, comprising wet woodland and upland flush/fen habitat of high biodiversity value (Section 7 habitats).
 - Breeding grasshopper warbler is recorded adjacent to the site (Section 7 species).
 - The site is within 500m of the Afon Dwyfach, which supports rare and pollution-sensitive aquatic invertebrates.
- 5.39 Although the biodiversity officer has raised various concerns, the application at hand is a Section 73 application seeking only to vary the timescale, approved rate of extraction and restoration medium. No changes are proposed to the approved working area, restoration landform, or operational methods. The extant permission was granted with a comprehensive set of ecological conditions, which remain enforceable and will be re-attached to this permission.
- 5.40 No additional habitat loss or altered impacts are propose and any ecological risks arising during the extended operational period will continue to be managed through the existing conditions, which already require appropriate protection, mitigation and monitoring.
- 5.41 The 2012 hydrological assessment and its associated condition (maintaining a minimum 1m stand-off above the water table) remain in force and will continue to regulate the development. The proposal does not introduce any deeper working, new or altered hydrological pathways.
- 5.42 As such, there is no change to the baseline hydrological risk, and the existing monitoring and stand-off requirements remain appropriate to safeguard adjacent habitat. These conditions will be retained on the new permission to ensure continued protection.
- 5.43 The original permission clearly defines the final restoration as a return to agricultural use. This forms part of the description of development and cannot lawfully be altered under a Section 73 application.
- 5.44 Biodiversity enhancements cannot be required where they conflict with the expressly approved after use or would effectively amend the authorised restoration scheme. The existing restoration and aftercare conditions remain enforceable and will continue to secure an appropriate return to agricultural land in accordance with the original permission.
- 5.45 The working area is unchanged, and no additional land is proposed for disturbance. The existing permission contains conditions requiring

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- 5.46 The existing permission already contains conditions requiring pollution prevention measures, appropriate site drainage, and safeguards for watercourses. These conditions will be retained. As no new development impacts, plant, infrastructure or working methods are proposed, the existing pollution control framework remains appropriate to ensure continued protection of the Afon Dwyfach.
- 5.47 Accordingly, further ecological, hydrological or INNS survey work, or amendments to the approved restoration scheme, are not considered necessary or justified as part of this application of the proposal. On this basis, the proposal is considered to comply with Strategic Policy PS 19 and Policies AMG 3, AMG 5, MWYN 3 and MWYN 9 of the Gwynedd and Môn Joint Local Development Plan 2011–2026.
- 5.48 On this basis, the proposal is considered to comply with Strategic Policy PS 19 and Policies AMG 3, AMG 5, MWYN 3 and MWYN 9 of the Gwynedd and Môn Joint Local Development Plan 2011–2026.

Archaeology and cultural heritage

- 5.49 An archaeological survey and assessment were submitted as part of the original application. The specification for archaeological work required under the parent permission has since been formally discharged, and the development remains subject to continued compliance with these approved details. The archaeological assessment provides an appropriate framework for any further archaeological investigation and sets out suitable mitigation measures for potential archaeological and cultural heritage impacts arising from the development. On this basis, the proposal is considered to comply with Policy AT 4 of the Gwynedd and Môn Joint Local Development Plan 2011–2026 (Protection of Non-Designated Archaeological Sites and Their Setting).

The Welsh language

- 5.50 Criterion 1 (a) of strategic policy PS 1 'The Welsh Language and culture' notes that a Welsh Language Statement will need to be provided with a proposed "retail, industrial or commercial development which employs more than 50 employees and/or has a floor area of at least 1,000 m sq. or more".
- 5.51 Criterion 1(a) of Strategic Policy PS 1 “The Welsh Language and Culture” states that a Welsh Language Statement is required for proposed retail, industrial or commercial developments that would employ more than 50 people and/or have a floor area of 1,000 square metres or more.
- 5.52 In response to this requirement, the applicant has submitted a Welsh Language Statement. The proposal relates to a variation of an extant planning permission at an established sand and gravel extraction site.
- 5.53 The statement explains that already operational and run in association with the nearby Bryncir Quarry. The proposed development would not result in an increase in employment and would retain the existing workforce.
- 5.54 Based on the nature of the application and evidence to hand, it is not considered likely that the proposal would have a negative impact on the Welsh Language. It is therefore considered that the proposal conforms with policy PS 1 and the guidance contained within the SPG Marinating and creating distinctive and sustainable communities.

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The economy

- 5.55 Technical Advice Note (TAN) 23: Economic Development states that, when determining planning applications, local planning authorities must recognise that traditional business uses (Use Classes B1–B8) represent only a portion of economic activity. The planning system should therefore acknowledge the economic dimension of all forms of development and ensure decisions are made sustainably, balancing social, environmental and economic considerations. TAN 23 further emphasises that authorities should recognise market signals and guide economic development to the most appropriate locations, rather than restrict or discourage it.
- 5.56 The proposal is essential to maintaining a steady supply of mineral resources, and the site makes a direct and meaningful contribution to the local economy through both direct and indirect employment associated with quarry operations. Additionally, sustaining local employment opportunities supports community cohesion and has positive cultural impacts, particularly in helping to maintain the strength and daily use of the Welsh language within the region.
- 5.57 Accordingly, it is considered that the proposal would have a positive economic impact on the area and is consistent with Policy PS 13 of the JLDP and the principles set out in TAN 23.

Relevant Planning History and Enforcement

- 5.58 This application has remained undetermined for a considerable period, largely as a consequence of unauthorised development affecting part of the site and the subsequent investigation.
- 5.59 Phase 3 of the development commenced prior to submission of this application. During summer 2023, it became apparent to the Mineral Planning Authority (MPA) that waste not originating from within the permitted site boundary had been imported and deposited within extracted areas of Phase 3.
- 5.60 The works undertaken in Phase 3 were carried out in breach of Conditions 8, 9, 37 and 38 of planning permission C12/0495/36/MW. The approved restoration scheme did not require the importation of any material to raise ground levels. Condition 37 explicitly provides:
- “Only mineral waste derived from operations hereby permitted shall be deposited within the site. No refuse or waste materials of any description from within or outside the site shall be deposited therein.”***
- 5.61 Following a joint investigation by the MPA and Natural Resources Wales (NRW) Industry and Waste Regulation team, together with discussions with the operator, it was established that the deposited material as controlled waste originated from Bryncir Quarry.
- 5.62 Given that the deposit of waste did not benefit from planning permission and is not considered necessary or appropriate to restore the land to an agricultural after-use, the MPA considers that retrospective planning permission would unlikely be granted. The MPA therefore regards the works as an unauthorised deposit of waste.
- 5.63 Notwithstanding the above, NRW considers that given the inert nature of the material, it does not present an ongoing risk to the environment. On that basis, the MPA understands that the material may remain in situ, and that its removal at this stage would be likely to cause greater harm to the environment and further jeopardise the restoration of the site. The determination of the current application, seeking to allow the importation of soil or soil forming material for restoration

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purposes will need to comply with NRW environmental permitting requirements and will not prejudice NRW's ongoing enforcement action.

6. Conclusion:

- 6.1 The application seeks to vary conditions attached to planning permission C12/0495/36/MW in order to extend the operational life of the quarry to 31 December 2030, with final restoration by 31 December 2031 (Condition 2), to increase the permitted annual output to 100,000 tonnes with an average of 14 loads per day (Condition 5), and to allow the importation of suitable material for use in restoration (Condition 37).
- 6.2 The proposed amendments do not introduce any changes to the approved working area, restoration landform, or operational methods beyond those specifically identified. The application has been assessed within the limited scope permitted by Section 73 of the Town and Country Planning Act, noting that the LPA may vary or remove conditions but cannot revisit or amend the substantive elements of the original permission or its defined development parameters. The proposals therefore represent operational adjustments rather than a fundamental alteration to the nature or extent of the previously approved scheme.
- 6.3 The site continues to function as an established sand and gravel extraction operation, with mineral processing undertaken at Bryncir Quarry under a separate consent. Restoration of the land to agriculture remains secured through existing conditions and forms part of the defined development, which cannot be amended through this application. The proposed variation of conditions will enable the continued working and restoration of the site in a controlled and phased manner, subject to the retention of appropriate environmental safeguards.
- 6.4 Having regard to the relevant policy context and the scope of a Section 73 application, the proposed amendments are considered acceptable and capable of being accommodated without giving rise to additional or unacceptable environmental, amenity, or highway impacts. Subject to the re-imposition of all necessary conditions from the extant consent, together with any updated or amended conditions required to ensure continued compliance, the development remains consistent with the original permission and with the relevant policies of the Gwynedd and Môn Joint Local Development Plan and national planning policies.

7. Recommendation:

- 7.1 To delegate powers to the Head of the Environment Department to approve the application, subject conditions. Please note that Condition 1 of planning permission C12/0495/36/MW, which requires the development to commence within five years, is no longer relevant as the development has already commenced.
- 7.2 As a result, the conditions proposed to be varied will be renumbered one number lower than those referenced in the application form and accompanying report. The conditions subject to variation are highlighted below.
1. ***Cessation of mineral and ancillary operations by 31/12/2030. Restoration of site by 31/12/2031***
 2. In accordance with approved plans.
 3. Maintenance of access road.
 4. ***No more than 100,000 tonnes of material per annum shall be removed from site at an average rate of no more than 14 loads per day.***
 5. Shrub and tree planting prior to extraction in Phase 4.
 6. Maintenance of shrubs and trees planted (con 5.)
 7. Prior written notice of; commencement of development, passing bays, drainage works, soil strip, overburden removal, mineral extraction, restoration.
 8. In accordance with approved details and plans.
 9. Boundary of extraction area marked.
 10. Restoration and aftercare in accordance with approved details.

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11. Restriction on Parts 19 and 21 of the GPDO.
12. Working hours.
13. Annual formal review of operations.
14. Noise restrictions.
15. Notification of temporary works that may exceed noise restrictions.
16. Annual noise monitoring.
17. White noise reversing alarms fitted to mobile plant and vehicles.
18. All vehicles, plant and machinery to be operated in accordance with manufacturer's specifications and fitted with appropriate sound deadening screens, caseworks, silences etc.
19. Areas traversed by vehicles to be watered or treated to prevent fugitive dust.
20. Water drainage system in accordance with approved plans.
21. Drainage system to collect and dispose of all water entering or arising on the site.
22. Oil, fuel, lubricants, paint, solvents or any other chemicals on site to be stored in suitably bunded area to restrict contamination.
23. Hydrogeological Impact Appraisal to be submitted in the event of encountering groundwater.
24. Survey of Invasive Species and treatment.
25. Works in Phases 3 & 4 to be undertaken in accordance with Archaeological Specification.
26. Access afforded to archaeologists to undertake archaeological mitigation and recording and written report submitted to the Planning Authority.
27. No plant or vehicles shall cross any area of un-stripped ground except where such trafficking is essential and unavoidable for the purposes of undertaking permitted operations.
28. All topsoil and subsoil identified shall be conserved in accordance with the development proposals described in approved details.
29. All vegetation, topsoil and subsoil stripped from each phase of working and areas affected by excavations, storage areas, building works, hardstandings and other construction including temporary access roads and vehicle haulage routes, shall be stored in areas set aside for that purpose which shall have been agreed beforehand in writing by the Mineral Planning Authority.
30. All topsoil and subsoil stripped and stored in accordance with the above condition shall be employed in works of restoration and no such materials shall be removed from the site without the prior written permission of the Mineral Planning Authority.
31. Topsoils shall be kept in storage mounds to a maximum height of 2m, with subsoils and overburden thereafter kept in separate storage mounds and prevented from mixing.
32. At least 48 hours' notice in writing of the date on which any soil stripping operations are to commence on any part of the land within the permitted area shall be given to the Mineral Planning Authority. Soil shall only be moved when in a dry and friable condition and when ground conditions are dry.
33. Topsoil and subsoil storage mounds and those parts of the site where stripping of topsoil and subsoil is not undertaken shall be kept free from weeds / competitive vegetation and all necessary steps shall be taken to destroy weeds at an early stage of growth to prevent seeding.
34. All replacement field boundaries shall be in the form of dry stone walls and earth banks constructed with materials derived or recovered from the existing field boundaries at Llecheiddior Uchaf and Llecheiddior Ganol.
35. Reasonable avoidance measures shall be employed during the demolition of field boundaries and dry stone walling to ensure that reptiles will be protected.
36. ***Only mineral waste arising from the extraction operations at Llecheiddior, including material transported to and processed at Bryncir Quarry under planning permission C09D/0375/36/LL, shall be deposited within the site for the purpose of restoration. No refuse, general waste, or inert waste materials from any external sources shall be imported to the site. Soils or soil-forming materials may be used solely for restoration purposes, and only where their suitability as a growing medium has been agreed in writing in advance by the Local Planning Authority. The total volume of material deposited shall not exceed that required to achieve the approved restoration contours. The operator shall maintain a detailed record of all mineral waste and soil material imported to or exported from the site, including origin, destination, volume, and purpose. A summary of these records shall be submitted to the Local Planning Authority at six-monthly intervals, or at such other frequency as agreed in writing by the Authority.***
37. Unless otherwise agreed in writing, at least 3 months prior to the intention to replace soils on any part of the area to be restored to an agricultural after use, the operator shall submit for the

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- approval of the Mineral Planning Authority a plan showing the final contours to be achieved in the scheme of restoration.
38. Progressive and even respreading of overburden shall be carried out during the period of mineral working.
 39. In the event of the premature cessation of mineral extraction on any given phase of the development, a revised scheme for the restoration of the site shall be submitted for the approval of the Mineral Planning Authority to include a plan showing the final contours to be achieved in the scheme of restoration.
 40. Following the formation of the final landform to the approved contours, the base material or original ground shall be comprehensively ripped to a minimum depth of 50cm to break up any surface compaction before any soil material is spread.
 41. The soil material (topsoil and subsoil) set aside for use in the agricultural restoration shall be spread uniformly and in correct sequence over the base material, and shall, where necessary, be rooted and scarified to full depth without causing mixing between different soil layers. A minimum soil depth of 280mm (110mm subsoil, 170mm topsoil) above the base material shall be provided over all areas.
 42. All base material ripping, soil spreading and cultivation operations shall be carried out in such a manner as to minimise compaction.
 43. Any part of the site restored for agricultural purposes which is subject to localised settlement and which adversely affects the agricultural after use shall be re-graded including the re-construction of the soil profile to approved specification.
 44. The site shall be brought to the required standard for agricultural use.
 45. Submission of aftercare scheme.
 46. Chemical analysis after replacement of topsoil.
 47. Chemical analysis repeated in 1st and 4th years of aftercare.
 48. The land shall be managed in accordance with the rules of good husbandry and in compliance with the guidance outlined in Annex B, Minerals Technical Advice Note (Wales) 1:, Aggregates.
 49. No livestock shall be kept on the land unless otherwise agreed in writing by the Mineral Planning Authority.
 50. All the land within the site which has been excavated, used for soil storage or roads or has been traversed by heavy plant, shall be provided with an adequate water supply and land drainage facilities, including watercourses, field ditches and piped underdrainage system, if considered by the Mineral Planning Authority to be essential in the satisfactory restoration of the site.