

PWYLLGOR CYNLLUNIO	DYDDIAD: 16/01/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO AC AMGYLCHEDD	CAERNARFON

Number: 2

Application No: C16/1164/16/MW

Registered Date: 21/09/2016

Application Type: Minerals

Community: Llandygai

Ward: Tregarth a Mynydd Llandygai

Proposal: Application under the Environment Act 1995 for the determination of conditions under periodic review - Permissions Ref: C96A/0020/16/MW, C08A/0039/16/MW, C12/0874/16/MW, C15/1344/16/MW

Location: Penrhyn Quarry, Bethesda, Bangor, Gwynedd, LL574YG

Summary of Recommendation: TO AUTHORISE THE SENIOR MANAGER OF PLANNING, ENVIRONMENT AND PUBLIC PROTECTION SERVICE TO DETERMINE THE SCHEME OF CONDITIONS UNDER DELEGATION

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1. Description:

- 1.1 This is a Mineral Sites Review Application under Section 96 and Schedule 14 to the Environment Act 1995 for the approval of a scheme of working and schedule of planning conditions.
- 1.2 The planning committee will also be required to make a resolution to extend the 2002 Footpath Stopping-up and Creation Order, in respect of public right of way No's 46 & 50 which traverse the working area of the quarry.

IT IS NOT AN APPLICATION FOR PLANNING PERMISSION

- 1.3 The Environment Act 1995 requires operators of mineral consents to submit schemes for the Review of Minerals Permissions which differ from planning applications in a number of respects. Periodic reviews apply to all mining sites including those not previously subject to the determination of conditions under the Planning and Compensation Act 1991 or the Environment Act 1995. In such cases, the first review date is 15 years after the date of the most recent substantive mineral permission relating to the site. Under the Environment Act 1995, Mineral planning authorities may either approve the scheme of conditions as submitted, or may determine a different scheme of conditions. However, the mineral planning authority must determine the conditions within a specified period. If the submission is not determined within that period (or as varied by agreement), the scheme of conditions is automatically deemed to be approved.
- 1.4 The review proposals include a schedule of 50 planning conditions that apply the appropriate planning controls for the site. Issues concerning the environmental, amenity, cultural and landscape impacts of the operation have been addressed in this report, including restoration proposals. A revised schedule of conditions has been the subject of further discussion with the applicant which is appended to this report.
- 1.5 The purpose of a Periodic Review under the Environment Act 1995 is to ensure that conditions do not become outdated and to provide an opportunity to respond to newly introduced standards and requirements. It is the responsibility of the mineral operator to submit for the approval of the mineral planning authority a detailed scheme of working and schedule of planning conditions that demonstrates how the development may be implemented in an environmentally acceptable manner, consistent with modern environmental standards and working practices. A new schedule of conditions will apply to the whole site under review, removing any ambiguities between different planning permissions.
- 1.6 The application site boundary relates to the area which was included in the overarching permission granted in January 2000 together with subsequent applications for minerals development to rationalise and extend the extent of extractive operations as well as the exploitation of slate waste held in historic tips. The Periodic Review comprises the following minerals permissions identified within the application site:
- Planning Permission C96A/0020/16/MW Dated 19th January 2000 – Extension of Slate Quarry, Disposal of Mineral Waste, Restoration and Associated Operations,
 - Planning Permission C08A/0039/16/MW Dated 9th June 2008 – Application Under Section 73 (Town and Country Planning Act 1990) to Vary Conditions 5 & 20 of Planning Permission C96A/0020/16/MW, Amended Plans for Extraction Areas (Part Retrospective) and Noise Monitoring Scheme,
 - Planning Permission C12/0874/16/MW Dated 18th December 2012 – Proposed Extension and Re-alignment of Slate Extraction Operations with a Progressive Scheme of Restoration,
 - Planning Permission C15/1344/16/MW, granted subject to conditions on June 2016 for an application under S.73 to vary condition 2 on planning permission C04A/0519/16/MW to continue operations involving the removal of material from a mineral-working deposit.

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Overview of the Periodic Review Proposals

- 1.7 The quarry operation includes the use of the quarry processing plant area for roofing slate production, sawn slabs & architectural slate, slate aggregates production and processing, stockpiling of product, site office & ancillary buildings/weighbridge but also listed & historic buildings and structures. With the exception of a specific grant of permission for the processing sheds in 1966 and a more recent permission for a waste transfer station, the processing area is not subject to a minerals planning permission but rather that which is defined as ancillary mining land for the purposes of Class B of Part 19 to Schedule 2 of the General Permitted Development Order 1995 (as amended). However, the review process can include for ancillary mining land within the schedule of conditions to apply the same environmental controls and restoration proposals as with the greater part of the site.
- 1.8 The site will be worked using those methods currently employed. Overburden materials will be removed by back actor and dump trucks and placed using a tracked bulldozer. The cleavage & bedding at Penrhyn, or foliation along which the rock splits into individual slates, is near vertical and parallel to the faults demarcating the productive slate domain with the rock mass further cut by numerous joints and smaller faults. The weathered slate & dyke intrusion will be fractured by blasting and thereafter removed by back actor and dump trucks and disposed of in accordance with the site restoration scheme. Extraction of premium quality slate is undertaken to minimise fragmentation including the use of wire saws and so maximise the recovery of slate suitable for processing into roofing or architectural slates. The slate won is then transported to a pre-selection area where unsuitable material is visually identified and tipped, with the best quality material then taken to the processing area.
- 1.9 The ROMP proposals include a comprehensive working scheme for the remaining reserves involving the development of the quarry in a series of benches being advanced in a south-westerly direction, including the area of the 2012 extension. However, the 2008 extraction proposals for the south-western face under C08A/0039/16/MW do not feature in the ROMP submission, nor the upper benches of the 'hard greys' along the south side of the current working face adjacent to the National Park boundary. This is the same area as the 2012 collapse where development proposals include for the backfilling of slate waste to shore-up the quarry face.
- 1.10 The removal of material from slate tips supplements the established supply of materials derived from roofing slate production, which is marketed as a secondary aggregate. The removal of material from historic tips, as per 2016 renewal permission, will release additional tipping void in the preparation of the landform for restoration and the reinstatement of PROWs in accordance with the 2002 footpath stopping-up & creation order.
- 1.11 The tipping regime forms part of the 2014 restoration strategy to establish of moorland vegetation and the formation of a landform required to accommodate the diverted route of PROWs 46 & 50, but also to maximise the potential tipping void within the quarry footprint and the re-alignment of the haul road. Restoration of tips on the north-western flank of the quarry is largely complete and includes many archaeological structures. The outer, historic tip configuration will therefore remain as existing where restoration will encourage the establishment of natural regeneration. The tipping regime will be confined to the footprint of the current workings and will not impact on any surrounding areas of ecological interest. Habitat & Species surveys suggest that the tips & restoration to a sufficiently diverse moorland offer good habitats for birds, small mammals and invertebrates.
- 1.12 The construction of the intercepting leat as per requirement of the 2012 re-alignment permission has been implemented in order to maintain the hydraulic conditions of the adjoining Eryri SAC. Although the construction thereof is substantially complete, further remedial works are required to address the impacts of scouring. Review proposals include for fixed point vegetation monitoring in the Gwaun Gynfi SAC required together with photo-monitoring of the functioning of the leat but also a regime of groundwater monitoring as part of the planning conditions. Any

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direct or 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.

- 1.13 Residential amenity impacts have been addressed in the schedule of planning conditions including blast vibration monitoring, blast times, dust gauge monitoring & maintenance of a meteorological monitoring station, noise monitoring & revised noise levels and operating hours.
- 1.14 There are sites of archaeological importance located within and around the quarry boundary and a scheme of mitigation will have to be agreed in accordance with conditions and/or production of a Conservation Management Plan including existing buildings and structures contained within ancillary mining land. A management regime will have to be agreed for the ecological compensation area to retain the wet heath characteristics but also so as not to damage or affect the integrity of any archaeological features present.
- 1.15 The application includes an assessment of landscape impacts including the impact on the adjacent National Park boundary.
- 1.16 The application under The Environment Act 1995 for the determination of conditions under a Periodic Review falls under the category of development in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, where the submission of an Environmental Statement is a mandatory requirement.

2. Policy Considerations

- 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 Under the Wellbeing of Future Generations (Wales) Act 2015 the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, and in making the recommendation the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed determination.

2.3 Gwynedd Unitary Development Plan 2009:

- STRATEGIC POLICY 1 – **Taking a Precautionary Approach**
- STRATEGIC POLICY 2 -**The Natural Environment**
- STRATEGIC POLICY 3 - **Built and Historic Environment**
- STRATEGIC POLICY 7 – **Minerals**
- 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 A2 - **Protect the Social, Linguistic and Cultural Fabric of Communities.** Safeguard social, linguistic or cultural solidarity within communities against significant harm due to the size, scale or location of proposals.
- POLICY A3 - **Precautionary Principle.** Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant

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impact assessment can show beyond doubt at the end of that the impact can be avoided or alleviated.

- **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 B10 – Protecting and Enhancing Landscape Conservation Areas.** Safeguard and enrich Landscape Protection Areas by ensuring that proposals conform with a series of criteria aimed at avoiding significant damage to recognised features.
- **POLICY B12 - Protecting Historic Landscapes, Parks and Gardens.** Protection of landscapes, parks and gardens of special historic interest in Wales from developments which will cause significant harm to their character, appearance or setting.
- **POLICY B14- Protecting the Landscape Character of the Snowdonia National Park.** Protecting the Landscape Character of the Snowdonia National Park. Proposals which would adversely affect the qualities and special character of the Snowdonia National Park will be refused unless they can comply with a series of criteria which aim to manage, enhance and protect the Park designation.
- **POLICY 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 - Protecting Sites of Regional or Local Significance.** Refuse proposals which are likely to cause significant damage to sites of regional or local significance unless they conform to a series of criteria aimed at the management, enjoyment and protection of recognised features within the 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 B23 - Amenities.** Protection of the amenities of local communities through securing that, proposals comply with a series of criteria which aim to protect recognized features and the amenities of the locality.
- **POLICY B27 - Landscaping Schemes.** Ensure that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.
- **POLICY B29 - Developments on Land at Risk From Flooding.** Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they conform with a series of criteria relevant to the features on the site and to the purpose of the development.
- **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 B34 - Lighting and Light Pollution.** Ensure that proposals do not substantially impair amenity use of adjoining land and the environment.

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- **POLICY C9 - Mineral Development Outside The Llyn Area of Outstanding Natural Beauty.** To permit sites for mineral development based on a series of criteria which involve the principles concerning the amenities of local residents, landscape impacts, operational details and the means of working the material produced.
- **POLICY C10 - Contribution to the Supply of Aggregates.** To have regard to current national policy for maintaining a landbank of aggregates minerals and the relevant guidance in Minerals Technical Advice Note MTAN (Wales) 1: Aggregates.
- **POLICY C12 - Buffer Zones.** Planning applications for mineral extraction within the buffer zones identified on the proposals maps will be refused unless a new buffer zone can be provided to reflect the minimum distances referred to in MTAN1: Aggregates.
- **POLICY 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 for moving material from mineral working deposits must conform to Policy C7 as well as a number of criteria including matters concerning relocation of the material.
- **POLICY C17 – Review of Old Mineral Planning Permissions.** Need to review old mineral planning permissions so that they conform with a series of criteria including mitigation for the impacts of transport, visual amenity, biodiversity, sites of archaeological and historic interest, public rights of way, the amenities of local residents, restoration proposals and the duration of the permission.
- **POLICY CH22 - Cycling Network, Paths and Rights Of Way.** All parts of the cycling network, footpaths and rights of way will be protected by encouraging proposals to incorporate the above satisfactorily within the development and by refusing proposals which will prohibit plans to extend the cycling network, footpaths or rights of way. If this is not possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route.
- **POLICY CH33 – Safety on Roads and Streets.** Development proposals will be approved if they can conform with specific criteria regarding the vehicular entrance, standard of the existing road network and traffic calming measures.
- **POLICY CH36 - Private Car Parking Facilities.** Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines, and having given due consideration to accessibility of public transport, the possibility of walking or cycling from the site and the distance from the site to a public car park.
- **POLICY D4 – Bad Neighbour Sites.** Approve developments of ‘Bad Neighbour’ industries provided the development is located on an allocated ‘bad neighbour’ site and subject to the scale and design being acceptable.

Gwynedd Supplementary Planning Guidance,

- Planning and the Welsh Language, November 2009,
- Gwynedd Design Guidance 2004
- Landscape Character – November 2009

The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared is subject to an ongoing Public Examination. At present, it is not a relevant planning consideration for making decisions on planning applications.

2.4 National Policies:

- Well-being of Future Generations Act (Wales) 2015 – Welsh Government,
- Policies, guidance and general principles set out in the Welsh Assembly Government Planning Policy Wales Edition 9 (November 2016),
- Habitats and Species Regulations 2010,

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- Mineral Planning Guidance Note: 14 (Review of Old Minerals Permissions),
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 5: Nature Conservation and Planning (September 2009),
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 11: Noise (October 1997),
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 15: Development and Flood Risk (July 2004),
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 18: Transport (March 2007),
- Policies, guidance and general principles set out in the Welsh Assembly Government Technical Advice Note (Wales) 23: Economic Development (February 2014),
- Policies, guidance and general principles set out in the Welsh Assembly Government Minerals Technical Advice Note (Wales) 1: AGGREGATES (March 2004),
- North Wales Regional Technical Statement on Aggregates, First Review August 2014.

3. Relevant Planning History:

- 3.1 Since 1947 the site has operated with the benefit of an unconditional Interim Development Order (IDO) planning permission for “proposed tipping areas and quarrying development” was granted by the Ogwen Rural District Council.
- 3.2 Planning Permission C96A/0020/16/MW, was granted subject to conditions and Section 106 Agreement on 19th January 2000 which superseded the previous IDO consent and the permission granted in 1995 relating to mineral extraction at Penrhyn, with an end of life date of 31st December 2032.
- 3.3 Planning Permission C97A/0304/16/CL. Use of Existing Buildings associated with quarrying to Business (Class B1), General Industrial (Class B2), and Warehousing (Class B8) and continued use of existing canteen granted subject to conditions on 14th January 1998.
- 3.4 On 17th June 2005 a formal notification under permitted development was submitted with appropriate plans and details for the development of a sawing shed measuring 134 x 44m x 7m, to be sited within the processing yard.
- 3.5 Planning Permission C04A/0519/16/MW, was granted subject to conditions on 31st May 2005 for the removal and processing of up to 650,000 tonnes per annum of aggregates from a mineral working deposit until 31st December 2015.
- 3.6 Planning Permission C10A/0490/16/LL, was granted subject to conditions on 29th November 2010 for a Proposed Inert Waste Recycling Facility at Penrhyn Quarry, Bethesda (Expired).
- 3.7 Planning Permission C12/0874/16/MW, was granted subject to conditions & EIA on 18th December 2012 for a Proposed Extension and Re-Alignment of Slate Extraction Operations with a Progressive Scheme of Restoration.
- 3.8 Planning Permission C13/0859/16/LL, granted subject to conditions on 16th October a Proposed Inert Waste Recycling Facility.
- 3.9 Planning Permission C11/1113/16/LL, granted subject to conditions on 20th April 2012 for the erection of two zipwire courses, car parking facilities and temporary administrative building.

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3.10 Planning Permission C15/1199/16/LL, granted subject to conditions on 11th March 2016 for the installation of new zipwires and additional infrastructure including a 4.5m acoustic bund.

3.11 Planning Permission C15/1344/16/MW, granted subject to conditions on June 2016 for an application under S.73 to vary condition 2 on planning permission C04A/0519/16/MW to continue operations involving the removal of material from a mineral-working deposit.

4. Consultations:

Llandygai Community Council: No Response

Bethesda Town Council
Council: No Response

Gwynedd Transportation Unit: No Response

Welsh Government
Transportation Unit: Direction that the transport conditions as stated in the Transport Assessment are maintained for the duration of the planning permission.

Natural Resources Wales:

- The quarry boundary lies less adjacent to the Eryri SAC. Confirmation that the assessment carried out by Gwynedd Council as competent authority under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 meets with NRW's requirements, subject to an amendment to Part C, '*can adverse effects be avoided*', to confirm that part of the leat was constructed outside the planning boundary and within the SAC designation.
- Agree with the mitigation measures set out in the Environmental Statement;
 - Ensure boundary fences are completely stock-proof and undertake measures to try and ensure sheep are not deliberately introduced into the quarry,
 - Ensure permanent quadrat markers below leat are kept visible for future surveys to monitor changes in species composition and abundance, sediment deposition and hydrological changes as a way to measure efficacy of leat functioning,
 - Repeat photo-monitoring of leat annually,
 - Continue stringent measures to ensure that no material is brought into the quarry in order to prevent the importation and spread of Invasive Non Native Species (INNS) and other ecologically inappropriate material,
 - Establish an annual Chough monitoring programme,
 - Recommend the removal of Italian Alder from the scheme of tree planting & restoration,
- Agree that groundwater contribution to surface water courses is likely to be small compared to overland flow. Llanberis Slate designated as a Secondary B aquifer although the presence of sandstones and superficial drift deposits could transmit groundwater. Given the proximity of the permission to a water dependent SAC and the contribution of groundwater in supporting local surface water features, groundwater level monitoring would be expected,

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- Establish the presence of groundwater dependent private water supplies in the area that could be affected by the permission. Although it is accepted that the quarry has been operational for many years and that a pseudo equilibrium will have been reached, it is recommended that an assessment of the potential risks to unidentified private users in the area of extension is undertaken,
- De-watering of excavations currently exempt from abstraction licensing. Any changes in site drainage must ensure that the site continues to comply with its permit to discharge. Surface water discharge from the old quarry void is via the George Adit into the Afon Ogwen under an existing discharge consent.
- Gwynedd Council now the Lead Local Flood Authority. Comments limited to surface water rates/outfall locations and noted that the report concludes that the new drainage arrangements will not increase flood risks elsewhere. Satisfied that rainfall runoff falling within the application site boundary is acceptable in terms of flood risk. Site located entirely within zone A, as per Development Advice Maps accompanying TAN:15,
- NRW's landscape review relates to the effects of the approved quarry extension and restoration proposals for this and the existing quarry, upon the setting and views of Snowdonia National Park; views from the Isle of Anglesey AONB; and the character of the Dyffryn Ogwen Landscape of Outstanding Historic Value,
- Concur with the LVIA (SLR consulting Limited) which assesses the effects of the quarry extension to be in the scale of minor/ moderate adverse effect (not significant), given the relatively small scale change of the quarry extension to the baseline landscape character and views, which are already strongly influenced by existing large scale quarrying, tips, faces and benches at Penrhyn quarry; and moderate beneficial effect (significant) of the restoration scheme, which would principally be the result of regarding the tip landforms inside the quarry and restoring these to more natural landforms and moorland land cover,
- Agree with the progressive restoration strategy for the worked areas of the quarry using seed balling, hessian pockets with tree seedlings and bench treatments, given the scale of the quarry and the issues of working with slate waste and quarried hard rock landforms. The retention of undisturbed slate tips along the edge of the site is proposed for cultural heritage reasons, which we fully support – these are distinctive and important to both local and national cultural identity and sense of place within this part of North West Wales and edge of Snowdonia.
- Require further information on the progressive regrading of the tip landforms inside the quarry and restoring these to moorland, techniques, processes and management to achieving the objective of enhancing landscape character and ecological potential and how this will be monitored.
- It is recommended that a suitably worded condition should be included to ensure that the mitigation measures are of sufficient standard to ensure that the dust deposition is kept

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to the levels that avoid residential nuisance.

- There is a yet to be notified, Geological Conservation Review (GCR) site in the quarry and also a RIGS site in the north-eastern part of the site. Discussing the designated sites (both RIGS and GCR) with the planners and quarry operators may provide NRW with some geoconservation opportunities with respect to the future quarrying and restoration plans.

Gwynedd Biodiversity Unit:

- The main ecological concern that was highlighted in the C12/0874/16/MW permission was the potential impact to the Gwaen Gynfi bog, which is located down slope of the quarry and is within the designated Eryri SAC and SSSI. The potential impact identified was the ground water flows to the bog due to the quarry hole intercepting these water flows. In order to mitigate this impact a leat has been constructed around the edge of the quarry hole to transport water to the slope below, ensuring that surface water flows feeding the bog are retained. The leat routes the intercepted runoff around the extension area to a recharge / overspill trench that runs across contour below the realignment area. This recharge / overspill trench allows water to infiltrate into the peat horizon and also overspill to the wet heathland. The intent is for the recharge / overspill trench to discharge water downslope along its whole length in order to more accurately replicate natural conditions,
- Remedial work on the leat is required so that it conforms with the required specification and permitted design contained in the review proposals,
- It is important to monitor the functioning of the leat and the vegetation in the Gwaen Gynfi bog and certain species vulnerable to decreases in wet heath conditions should be the subject of further survey work to monitor any change in conditions,
- Gwynedd Council as Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) have carried out an Appropriate Assessment under Regulation 61, in order to ascertain beyond reasonable scientific doubt that the proposal will not adversely affect the integrity of the SAC. The key issues covered by the appropriate assessment are:
 - The review proposals will not cause a direct loss of wet heath communities Annex 1 habitat,
 - No indirect impact on blanket bog habitats and wet heath in Gwaen Gynfi. Mitigating leat of potential designed to maintain the hydrology of the SAC.
 - Potential direct loss of habitat feature – Construction of the mitigating leat has avoided wet heath habitats.
- The appropriate assessment concludes that there will be no adverse impact on the Eryri SAC, subject to remedial works on the leat being completed and that conditions are imposed to secure the functioning of the leat is monitored 4 times a year. CCW concur with this assessment.
- Satisfied that the restoration plan seeks to enhance the site for biodiversity. The Ecology Chapter examines 4 different sites within the quarry which have been restored using

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different methods, 1) planting with heather plugs and tree saplings and 2) using seed balls, are both effective at creating moorland habitats i.e. those with an abundance of heather. It stresses the importance of the removal of sheep grazing from the site because this is severely hindering the development of habitats. It also suggests at on slopes with large slate blocks that are unlikely to be covered with finer slate that they should be left as a “man-made scree habitat” which is suitable for the rare spider *Rugathodes*.

- Satisfied with the conditions proposed for ecological protection, enhancement and restoration but recommends a larger area of habitat recreation & restoration and vegetation monitoring in accordance with the review conditions attached to the existing permission.

In summary;

- Conditions to secure the monitoring of the leat 4 times a year to ensure that it functions properly,
- Management of the leat to include cleaning out/dredging requirements, maintenance/management requirements & report,
- The grazing sheep should be removed from the quarry, in particular on the restoration areas. Stock proof fencing should be in place.
- An improved vegetation monitoring system should be developed for the Gwaen Gynfi Bog, habitat restoration areas and heathlands. I recommend that a method statement for vegetation monitoring is provided and agreed, before further monitoring it is undertaken.
- A detailed vegetation map of the whole quarry area should be provided.
- A map showing the location of all monitoring points should be provided.
- I do not recommend continuing to undertake small mammal trapping or monitoring though.
- Continued management and monitoring of the leat.
- Updated lichen report showing the location of boulders with significant lichens and re-positioned boulders.
- Every two years the quarry should be surveyed for non-native invasive plant species (those listed on schedule 9 of the Wildlife and Countryside Act 1981 as amended).
- Updated condition ‘47’ for a larger area of restoration.

Dŵr Cymru: No comments, as the application does not connect to the public sewer network

Gwynedd Public Protection Unit: No Response

Gwynedd Economy & Community: No Response

Gwynedd Countryside & Access (PROW):

- In 2002 a temporary public footpath closure order was made on footpaths No. 46 and 50 in the community of Llandygai under Section 257 and 261 of the 1990 Town and Country Planning Act, in order to allow authorized mining operations.

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The closure order was to run for 15 years and at the end of that period, the Quarry owners were required to restore the routes of the footpaths and diversion of parts thereof in accordance with the 2002 Order.

- Historically the footpaths in question created a connection between Mynydd Llandygai and the town of Bethesda and are likely to be part of the route network used for many years by quarrymen. The closure order period ends in February 2017 and the applicant confirms that restoration has not been achieved and makes the case for extending the period up to December 31, 2034, which is the end date of the minerals permission, in order to implement their proposals for the site and avoid any potential conflict with health and safety legislation.
- While recognizing the concerns Quarry, it must be stressed that the public has already lost the use of the resource for nearly 15 years and is likely to lose up to 17 more years. It is believed that it would be possible to provide alternative route(s) to avoid the operational area and the Quarry owners should be encouraged to work with the Countryside Unit to identify safe and practical options.

Gwynedd Archaeological
Planning Service:

- Concern about the continual threat to archaeological remains within the permitted working area given that half the sites identified in the 1995 scheme of archaeological investigation having been destroyed without proper record,
- Regular review, such as the ROMP process is important to monitor the management and mitigation of archaeological concerns, but should not be merely documenting successive losses. An improvement of the approach to the archaeology of active minerals sites is needed in order to conserve the collective significance of the site,
- Unmitigated damage from the construction of the intercepting leat has affected part of the prehistoric farmstead identified of national importance. There is a need to review mitigation, given that remedial works required to address the functioning of the leat has the potential for increased damage to the archaeological feature, by running temporary access tracks over the enclosure boundaries and the removal of stone from prehistoric walling as infill for the leat. Important that such works are monitored by an archaeologist to ensure no damage to the prehistoric farmstead,
- Suggest changes to the archaeological conditions submitted with the application to include;
- The specification for archaeological work and production of an archaeological report,
- All work specified under condition to be carried out by an appropriately qualified archaeological contractor,
- Fence-off archaeological sites ref. PRN 5380, 12327 & 29989 until a programme of archaeological mitigation may be agreed and implemented with the prior written approval of the Mineral Planning Authority,
- Further suggest the inclusion of an additional condition to that proposed to require the production and adoption of an archaeological management plan for the quarry,
- Gwaen Gynfi Ecological compensation area to include

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mitigation for several upstanding archaeological features, including management for a wet heath, control of grazing and regeneration of native tree species. Further suggest that the area be the subject of an archaeological investigation.

- Existing water balances, PRNs 59998 & 60020 of national significance should be included in any archaeological management plan for the quarry. May be worthy of statutory designation status.

Inspectorate of Quarries: No Response

Scottish Power: No Response

First Hydro: No Response

Snowdonia National Park Authority: No comments or observations on this application

CADW:

- Application proposals confined to within the quarry boundary and will not impact on the setting or integrity of any scheduled ancient monument.
- Propose conditions to protect and mitigate damage to non-designated archaeological sites located within the quarry boundary.

Gwynedd Conservation Officer: No Response

Gwynedd Flood Risk Management: No Response

Common Land (Grazers): No Response

Public Consultation: Site Notices posted at several locations in Bethesda and Mynydd Llandygai on 28th September 2016 with a statutory notice appearing in the Caernarfon & Denbigh Herald.

No third party representations received in response to statutory publicity on the application.

5. Assessment of the Relevant Planning Considerations:

Principle of the development

5.1 Planning Policy Wales Edition 9, 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 9, Gwynedd Council as 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 of The Welsh Government minerals planning policy are:

- *to provide for an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity;*
- *to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure, without compromise, restoration and aftercare to provide for appropriate*

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- and beneficial after-use;*
- *to help conserve non-renewable resources for future generations through efficient use, recycling and waste prevention; to protect renewable resources from serious harm or pollution; and to promote the use of appropriate alternative materials;*
 - *to ensure an adequate supply of minerals that are needed at prices that are reasonable; and to safeguard mineral resources for future generations.*
- 5.2 With an application for the determination of conditions under Periodic Review, the principle of quarrying has been established through existing planning permissions and it should be borne in mind that the review process cannot negate those permissions or restrict working rights without incurring a prohibitive liability for compensation. The only matters which the mineral planning authority can consider are the conditions relating to those permissions and the scheme of working for the next 15 years.
- 5.3 With respect to the consideration of alternatives in accordance with Schedule 4 of the EIA Regulations, the authority needs to consider the context of the application to which the EIA relates, namely a review of minerals permissions under the Environment Act 1995. The purpose of the application is to review the conditions to which the future development of the quarry should be subject to. It is important to distinguish this type of application from an application made under the Town and Country Planning Act 1990 for planning permission as the quarry has extant planning consents that allow the extraction of slate up until 2032. The consideration of alternative sites is therefore not a material consideration, rather the purpose of the EIA for a periodic review is to assist in identifying environmental effects and how mitigation may be applied in a schedule of updated planning conditions to minimise the identified effects.
- 5.4 In the case of a ROMP Review and ES, the consideration of alternatives relate to alternative working, schemes of mitigation and restoration schemes which could be explored as opposed to displacing supply and prospecting for material in new sites or recommencement of long-dormant mineral sites.
- 5.5 Under the Minerals Review legislation the Council may apply conditions different from those submitted by the operator. Liability for compensation will arise if the effect of the restrictive condition is to “... *prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site* ...”. In accordance with planning regulations, conditions must be;
- i. Necessary
 - ii. Relevant to Planning
 - iii. Relevant to the Development
 - iv. Enforceable
 - v. Precise
 - vi. Reasonable in all other respects
- 5.6 Slate quarrying has been part of the way of life in Gwynedd for centuries and the legacy of its activities has become as much a part of the culture and landscape of the area as the Welsh language and scenery. Ultimately, mineral deposits can only be worked where they are found in geologically and economically viable quantities and this application sets out the review proposals for one of the largest and oldest quarries located adjacent to the Snowdonia National Park. As a Mineral Planning Authority, the Council has a duty to ensure that mineral resources are exploited in a sustainable way so that they can make an appropriate contribution to the area’s construction materials requirements.
- 5.7 Gwynedd has a long history of mineral extraction and it remains an important facet of its economic and social make up. Slate working in Gwynedd has been traditionally been associated with the production of high quality roofing material, but more recently its application has ventured into architectural sawn slabs, decorative building materials as well as the exploitation of

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slate waste as a secondary aggregate to substitute traditional primary resources. Planning Policy Wales recognises in paragraph, 14.7.8, that; “*active slate quarries play an important part in maintaining local building character in, for example, Snowdonia National Park, where the use of slate of a specific appearance is a strict planning policy*”, and further that; “*...It is important that the supply of slate is maintained*”.

5.8 The South Quarry contains 3 geological and geotechnical domains separated by large faults each domain containing its own similar materials and structures.

- The Hard Grey Domain
- The Purple Domain
- The Red and Blue Domain

Generally the slate rock is weathered to an average depth of some 60 metres below the existing surface at a level of c. 342m AOD. Given the annual production rate of over 400,000 tonnes per annum of roofing slate, architectural material and secondary aggregates, it is considered that the schedule of updated conditions will secure the release of permitted reserves in a sustainable scheme of working, thereby allowing the company to prospect the purple, blue and red slate domains and secure the lifespan of the operation by a further 15 years up to 2032. Any waste produced by the new extraction areas may either be utilised as aggregate or decorative material with the disposal of any surplus, low-grade material accommodated within the existing tipping regime granted under the terms of the ‘2000’ and review of restoration proposals submitted in 2014.

5.9 The permitted reserve of slate waste held in two tips under permission ref. C15/1344/16/MW, supplements the established supply of materials derived from roofing slate production, which is marketed as a secondary aggregate. Whereas originally deposited as waste, the material contained within the tip comprises mostly of clean slate derived from splitting and sizing operations from the quarry cutting sheds.

5.10 With the introduction of the aggregates levy in 2002, there has been an increased use of slate waste to substitute primary hard rock reserves given that slate is exempt from the imposition of a basic rate of £2.00 per tonne of aggregates. The Gwynedd Unitary Development Plan recognises that slate waste is a valuable resource that can be used as an alternative supply of aggregate and which eases the pressure on primary mineral resources.

5.11 The North Wales Regional Technical Statement has been the subject of a review and has since been endorsed by all of the local councils in Wales in August 2014 together with having obtained Ministerial approval. The statement has been prepared in accordance with the provisions of Planning Policy (Wales) and Technical Advice Note (Wales) 1: Aggregates (MTAN1), to set out an overarching objective to ensure a sustainable managed supply of aggregates; “*.... so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance*”. 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. In respect of slate as a source of aggregate, the RTS review states; “*In North Wales, crushed slate, derived either from slate waste (as a by-product of roofing material production) or quarried specifically for use as primary aggregate, features significantly in the overall pattern of supply, especially in Gwynedd*”.

5.12 A periodic review of operations involving the winning and working of slate, tipping of mineral waste, restoration proposals and secondary mineral extraction is acceptable in principle. Subject to the consideration of all other material planning considerations, it is considered that the development in principle complies with National and Regional Planning Policy and Guidance as well as the requirements of Policy A1, A3, C9 & C10 of the Unitary Development Plan. However, the principal consideration is that the proposal complies with Policy C17, *Review of*

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Old Mineral Permissions, which requires that proposals conform with a series of criteria including mitigation for the impacts of transport, visual amenity, biodiversity, sites of archaeological and historic interest, public rights of way, the amenities of local residents, restoration proposals and the duration of the permission.

Visual Amenities

- 5.13 Penrhyn Quarry is located on the northern flanks of Carnedd Y Filiast which rises to 821m AOD to the west of Nant Ffrancon. Penrhyn Quarry is divided into two distinct excavation areas being the North Quarry now flooded and the operational South Quarry both of which are flanked by extensive slate waste tips. Landscape character may be described as the combination of landscape elements, patterns, quality, scale landform and land-use which make an area distinctive from another and creates a sense of place. Slate quarrying has been part of the way of life in Gwynedd for centuries and the legacy of its activities has become as much a part of the culture and landscape of the area as the Welsh language and scenery. The development is contained entirely within the footprint of a mineral working comprising of steep sided tip embankments, historic quarry infrastructure and surrounding mature vegetation which provides a substantial screen as well as an integral component of the historic landscape.
- 5.14 The ROMP proposals include a comprehensive working scheme for the remaining reserves involving the development of the quarry in a series of benches being advanced in a south-westerly direction, including the area of the 2012 extension. However, the 2008 extraction proposals for the south-western face under C08A/0039/16/MW do not feature in the ROMP submission, nor the upper benches of the ‘hard greys’ along the south side of the current working face adjacent to the National Park boundary.
- 5.15 A landscape and visual assessment of the proposed development has been completed in accordance with accepted guidance through desktop study and fieldwork. The landscape and visual impact assessment includes an appraisal of the visual impact of the development on the Snowdonia National Park and the Landscape of Outstanding Historic Interest. It utilises a selection of viewpoints and computer-generated visualisations showing the location of the development in the context of the current permitted scheme of extraction and its setting within the wider landscape, including the Môn Area of Outstanding Natural Beauty. The assessment makes an appraisal of the direct and indirect (physical & non-physical) impacts of the development on the surrounding landscape, as well as local impact with mitigation proposed to minimise these impacts.
- 5.16 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 which is unavoidable due to the nature of mineral extraction. The sensitivity of the surrounding landscape designations, residential areas and recreational receptors has been taken into account. Distance and the scale of the proposed realignment are also key factors, as the proposed realignment would be difficult to distinguish from the current permitted quarry operations from viewpoints further afield.
- 5.17 Possible visual and landscape impacts include a combination of site operations, vehicle movements, stockpile storage & screening mounds, exposed rock faces and loss of landscape elements including landform and vegetation both during extraction and post restoration. The landscape impacts of the proposal however, may be further reduced via the proposed mitigation and restoration works designed to assimilate the area of extraction to the surrounding landscape. However, the curtailment of the upper benches of the south side of the working face provides significant mitigation for the visual impact of the workings, given the height and proximity of the exposed rock faces in the landscape.

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- 5.18 One of the principle considerations however is the northern embankment of slate tips (Tip A – C15/1344/16/MW) which provides a valuable screen for the development as well as the quarry processing area and ancillary mining land. In this respect, any additional landscaping requirements reserved for the tip embankments should be configured accordingly to promote local biodiversity. Tip A also includes the anchorage point for the zipwire attraction located within the same development area. However, the authority would not wish to see the reserve of slate waste sterilised and the presumption therefore is for the deposit to be worked to its full extent, including any imported material to construct the zipwire platform, in accordance with the plans and sections of planning permission C15/1344/16/MW.
- 5.19 Mitigation includes, screening bunds, direction and phasing of working, placement of overburden and weathered slate as part of the site restoration scheme, retention of archaeological and ecological features of interest, specifically;
- Phasing and working direction of slate extraction operations so as to best utilise existing landform features, i.e. to work behind a natural ridge on the south eastern side of the archaeological feature (sheepfold),
 - Early regeneration of exposed rock faces when extraction is completed in each phase,
 - Progressive restoration of worked out areas, e.g. the upper ‘Green Quarry’, and regeneration of the historic slate waste tips located outside the area of application but contained within the envelope of the overarching scheme,
 - Restoring the historic slate waste tips with an emphasis on nature conservation.
- 5.20 Restoration proposals submitted with the development proposals includes for an overarching strategy for the whole site, taking into account issues of historic landscape and biodiversity. The company have initiated studies and a specialist programme of restoration configured to integrate these elements ‘Restoring Habitats of High Conservation Value after Quarrying – Life Project in conjunction with Bangor University’. Many of the techniques and skills developed and used in this process are exclusive to Penrhyn Quarry where all trees, shrubs and heathers as well as many of the grasses and wild flowers are sourced from local provenance. The first technique involves the planting of tip slopes with trees contained in hessian sacks filled with green compost. Where tip slopes are difficult to access on foot, seed-balling methods are used which involves the manufacturing of compost balls mixed with pre-germinated seeds, which are then cast down the tip slopes where they find their own lodging point. In addition, the proposals include a detailed habitat recreation & restoration plan previously approved by the Mineral Planning Authority in 2014, including:
- The creation of upland moorland habitats, and;
 - The treatment of the surface of the land in a manner to secure effective re-establishment of native vegetation,
 - Tree & shrub planting,
 - The re-instatement and restoration of public rightS of way No. 46 & 50 in the community of Llandygai, including sections & final levels.
- 5.21 The aim of the restoration programme is to encourage the natural process of regeneration and reinstatement of land damaged by quarrying activity. Certain areas of the quarry have already been subject to the processes of natural regeneration, providing a conservation model for the quarry restoration management programme. In addition, a substantial amount of tree planting and heather establishment has been undertaken on the north eastern tips and south western flank of the current extraction area in accordance with a programme that includes a variety of planting methods and trial areas for heather establishment. The scheme allows for the replication of the landscape of Mole y Ci mountain opposite which mainly consists of heathland vegetation. Restoration proposals will also include for the phased replacement of 750 metres of stone walling, along the Company property boundary. It is therefore important for the success of the scheme that the restoration works are monitored so that the techniques and methodologies may be applied in a cohesive strategy for the whole site.

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- 5.22 As previously stated, the processing area is that which is defined as ancillary mining land for the purposes of Class B of Part 19 to Schedule 2 of the General Permitted Development Order 1995 (as amended). However, the review process can include for ancillary mining land within the schedule of conditions to apply the same environmental controls and restoration proposals as with the greater part of the site. Notwithstanding the scheme of restoration submitted with the application, the schedule of conditions may include for a scheme of restoration for the processing plant site upon the expiry of the associated planning permission or cessation of operations, whichever the sooner. Any alternative use for the processing plant site would have to be the subject of a separate planning application considered on its merits and in accordance with planning policy requirements.
- 5.23 The Landscape and Visual assessment concludes that the direct physical and indirect visual impact of the proposed extraction area range from 'Moderate to Negligible/None', and the impact of the proposals on the historic landscape would be slight. Although the site is located adjacent to the boundary of the National Park, it is not considered that the proposal will materially affect the landscape character of the area given the proximity of current and historic workings and the landscape in which it is set. In their consultation response, the National Park Authority confirmed that they have no comments or observations to make on the application. In addition, the old northern quarry includes a Regionally Important Geological Site (Caledonian Structures; RIGS 19), which is not affected by the review proposals.
- 5.24 The operations at Penrhyn are well established and in terms of landscape and visual assessment, it is relevant to consider issues of historic landscape and has the potential to affect views into and out of the adjacent Snowdonia National Park. With the exception of the haul road, the configuration of historic tips and screening bunds obscures the majority of operations from view. The operator intends to leave the outer face of all the tips substantially in-tact and the development is contained wholly within the footprint of the degraded quarry workings.
- 5.25 It is considered therefore that the submitted scheme of restoration and schedule of conditions is sufficient to mitigate for the potential visual & landscape impacts of the development and complies with the requirements of Policy A1, A3, B7, B8, B10, B12, B14, B18, B27, C9, C10 & C14 of the Unitary Development Plan.

General and Residential Amenities

- 5.26 The proposal by its nature is similar to the type of activity that has been implemented on the site for many years. Given the scale of the existing slate processing operation, instances of complaint are comparatively rare and it is considered that the site can operate without adversely impacting upon the amenities of the area under the terms of planning conditions and/or environmental permits. It can be demonstrated therefore that the quarry can operate without causing adverse impact to the amenities of residential properties, including those located within a 200m buffer as prescribed by Planning Policy Wales and the national minerals planning guidance MTAN1. In addition, environmental issues or instances of complaint are brought to the attention of the quarry liaison group which essentially is a forum for the exchange of views and ideas between parties most affected and involved in the operation of the quarry, namely the community & local residents, the mineral planning authority and quarry operator.
- 5.27 The authority has consulted with both the Natural Resources Wales and Gwynedd Council Public Protection Department on the application and whilst there are issues that require additional permits and consents under their specific remit, that they raise no objection in principle. There have been no objections raised by residents in the immediate vicinity of the site in response to statutory publicity on this application.
- 5.28 With the exception of a restriction imposed on blasting & drilling times and soil stripping operations imposed under the 2012 permission, the slate splitting and minerals processing area is permitted to operate 24 hours a day. With the review process however, considered it expedient to

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impose conditions for the control of noise, dust & external lighting in the interests of residential amenity. It should be stressed however that a limitation imposed on working hours within the processing yard, or ancillary mining land for the purposes of Part 19 to Schedule 2 of the GPDO 1995, would constitute a restriction in working rights.

- 5.29 The application confirms that the existing noise climate has been assessed at neighbouring properties and predictions of maximum future noise levels have been undertaken in line with relevant British Standards and Welsh Government Guidance. As with the previous grant of minerals permissions on this site, the operation will be the subject of specific daytime and night time levels imposed in accordance with the requirements of MTAN 1: Aggregates. Furthermore, the operator will be required to submit a noise monitoring scheme to secure compliance with the levels specified under conditions and in accordance with specific procedures. The conditions specify that monitoring shall be carried out at twelve monthly intervals.
- 5.30 Minerals Technical Advice Note 1: Aggregates (MTAN1) sets out detailed advice on suitable planning conditions to control the environmental impact of blasting operations at quarries. This includes controls on the days and times of blasts and restrictions on ground vibration where MTAN1 suggests that ground vibration as a result of blasting operations should not exceed a peak particle velocity of 6 mm/s PPV in 95% of all blasts measured over any 6 month period, and no individual blast should exceed a peak particle velocity of 10 mm/s PPV. A further restriction of 1mm/second ground vibration level has been specified at Marchlyn Dam.
- 5.31 The requirements of MTAN1 have been included in the schedule of planning conditions including the restrictions on blasting & drilling times as imposed under the 2012 permission. However, with the development of wire saw technology, the operator may secure a better yield of material for high end uses such as roofing slate and architectural material without having to resort to blasting techniques that would otherwise cause fragmentation of the rock. Where geological and operational conditions allow, 60% of the material may be recovered from the working face using wire saw technology thereby reducing the impacts of blasting considerably.
- 5.32 The air quality assessment deals with the potential issues arising from mineral extraction and restoration transfer of slate to the existing processing plant. Potential sources of dust have been identified and best practice dust control measures are recommended as currently required under planning conditions in order to minimise any such disturbance at nearby sensitive locations. Local climatic conditions have been assessed in order to indicate how often the proposal could be susceptible to fugitive dust events and a full PM₁₀ & PM_{2.5} assessment undertaken at Penrhyn Quarry shows that the proposal will not exceed the Air Quality Objectives.
- 5.33 The Environmental Statement proposes that the operation be the subject of specific dust mitigation measures and the requirement to monitor dust and meteorological conditions as per condition '20' imposed on the 2012 permission. In response to the concerns of Llandygai Community Council the operator has already set up a local weather station at Penrhyn Quarry to monitor climatic conditions that may affect the migration and direction of fugitive dust and its impact on the local community.
- 5.34 With the imposition of similar planning conditions for the previous development for the winning and working of minerals it is considered that the development, alone or in combination with the area of the previous permission for an inert waste facility, conforms to policy A1, A3, B23, B33, B34 & D4 of the UDP (amenities & control of pollution).

Traffic and Access Matters

- 5.35 The existing planning condition places a limit on the production of aggregates to 650,000 tonnes per annum. The proposal would not result in more HGV movements and simply releases the full potential of the mineral resource in line with the currently permitted life span of the overarching permission up to December 2032. There would be no increase in vehicle movements resulting

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from the grant of planning consent. In response to consultation, Gwynedd Highways and Transportation department confirmed that they have no objection to the proposal given that the development will not involve any increase in quarry traffic.

- 5.36 The access onto the A5 Trunk Road is of an acceptable standard and traffic will gain access to the site via a short section of the B4409. It has been documented however, that the wall at Pont Twr (listed structure) has been damaged (long running issue regarding the turning circle of haulage vehicles), highlighting concerns about the safety of walkers. In addition, there has been a considerable increase in light vehicle access to the quarry recently in connection with the development of the 'zipwire' outdoor sports/tourism facility.
- 5.37 Consideration therefore must be given to safety issues between two potentially conflicting land uses and the movement of quarry traffic and users of the zipwire facility. However, the issue of access has already been addressed with the grant of permission for the zipwire facility under planning ref. C11/1113/16/LL and more recently an extension granted under C15/1199/16/LL. There is a dedicated car parking facility for the zipwire attraction with on-site provision to keep traffic flows and operational requirements of the minerals operation separate to the movement of pedestrians associated with the zipwire facility.
- 5.38 A transport assessment has been submitted in support of the application which confirms the total movement of HGV's in 2013 & 2014 at 393,125 tonnes and 369,699 tonnes respectively, or 18,843 & 17,503 HGV trips, although it should be noted that output from the site achieved an overall a peak of 540,000t in 2006. The transport assessment concludes that there will be no increase in vehicle movements and traffic generated by Penrhyn Quarry is not considered to have any adverse impact on driver delay, public transport, cyclist or pedestrian amenity. In response to consultation, the Welsh Government highway authority confirmed that it did not intend to issue a direction in respect of this application.
- 5.39 It is considered therefore that the existing road network is of sufficient standard to deal with the flow of traffic expected from the site and subject to appropriate conditions, the development therefore conforms to the requirements of Policy CH33 (road safety) and Policy CH36 (Car Parking Facilities of the UDP).

Hydrology & Hydrogeology

- 5.40 The quarry is located in mountainous terrain in an area of high rainfall where surface water runoff is significant during storm events. The Water Environment Assessment of the Environmental Statement confirms that the site is underlain by Cambrian strata predominantly comprising Llanberis Slate. The faulting, jointing; fracturing and cleavage planes in the slate affords it a secondary permeability of limited significance. Furthermore, the Llanberis Slate Formation is designated by Natural Resource Wales as a Secondary B aquifer.
- 5.41 Within the terrain immediately surrounding the quarry, scree and thin soil cover dominates the upper slopes but the lower slopes are covered with superficial deposits. The superficial deposits comprise a mixed sequence of clay or silt bound sands, outwash gravels, boulder clay (till) and peat deposits. The distribution of water in the superficial deposits has been shown to be irregular, with both vertical and lateral movement inhibited by the presence of low permeability clays. Water flow through the bulk of the superficial deposits is very low; similar to that of the underlying geology. The coarser materials such as sands and clay bound gravels contain water that provide groundwater through flow within the superficial deposits providing shallow and narrow groundwater pathways potentially of limited spatial extent.
- 5.42 In response to consultation, NRW agree that groundwater contribution to surface water courses is likely to be small compared to overland flow, given that the Llanberis Slate designated as a Secondary B, aquifer although the presence of sandstones and superficial drift deposits could transmit groundwater. Given the proximity of the permission to a water dependent SAC and the

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contribution of groundwater in supporting local surface water features, NRW suggest further groundwater level monitoring but also, to establish the presence of any unregistered groundwater dependent private water supplies in the area that could be affected by the permission. However, the assessment confirms that there are no Source Protection Zones (SPZs) within a 4km radius of the quarry which are designated by NRW as a general level of protection for all drinking water resources. NRW's response further states that it is accepted that the quarry has been operational for many years and that a pseudo equilibrium will have been reached. Groundwater monitoring is currently undertaken at Llyn Owen y Ddol and it is proposed that such arrangements will continue for the duration of the permission.

- 5.43 The newly constructed leat will also serve to intercept surface water and superficial groundwater that would otherwise drain into the quarry hole. This channel will outfall into a series of attenuation ponds to capture suspended solids and distribute the flow of water to three key receptors; the existing watercourse to the south-west of the development area, the wet heathland at the southernmost tip of mire community and south western extent of the realignment area and the greatest proportion of flow routed to the main recharge spillway on the north-western extent of the working so as to distribute water over a larger area downslope of the development.
- 5.44 The Environmental Assessment provides an overview of the entire water management system for the quarry and confirms that the existing water management system at Penrhyn Quarry utilises a combination of drainage channels, open channels, pumped drainage and surface water attenuation areas along with settlement lagoons. From a drainage perspective, the quarry can be split into the main quarry void; the processing area; the quarry haul road; the spoil tips; and the old quarry void. With the exception of parts of the spoil tips, the water within the quarry is directed to the old quarry water body. The Old quarry void provides a significant amount of storage and settlement and NRW confirm that surface water discharge from the old quarry void is via the George Adit into the Afon Ogwen under an existing discharge consent. NRW are further satisfied that rainfall runoff falling within the application site boundary is acceptable in terms of flood risk, given that the site is located entirely within zone A, as per Development Advice Maps accompanying TAN:15.
- 5.45 It is considered therefore that the provision of a leat to re-direct surface waters, in order to replicate the flow of water downslope into the Gwaen Gynfi SAC, meets with the requirements of Policy A1, A3, B29, B32 & B33 of the Unitary Development Plan.

Ecology and The Eryri Special Area of Conservation and Site of Special Scientific Interest

- 5.46 The ES provides an overview of the ecological surveys undertaken as part of the 2012 re-alignment application, including surveys and assessments for vegetation, invertebrates, birds, fungi, lichens, badgers, bats, otters, water voles, great crested newts. As for the re-alignment area, the findings are the same in that some lichens occur on rocks within the extraction area and existing conditions make provision for relocation but generally, the proposal is unlikely to affect fungi, rare flora and habitats. Conditions have been imposed to mitigate for the impact of quarrying control the timing of soil stripping and ancillary operations within the area of the SSSI & SAC and which may affect breeding birds and reptiles and in this regard, stone walling removed during the advancement of extractive operations may be restored along the boundary of the site.
- 5.47 To compensate for the loss of SSSI features, 12ha of moorland has been the subject of a detailed habitat management plan implemented in accordance with the 2012 permission and the details of the scheme are included in the Environmental Statement. This area already supports wet heath, dry heath and acid grassland habitats being qualifying features of the Eryri SAC. In addition, the ES considers those works currently implemented under the terms of the 2000 permission and concludes that the impact of the operation is contained to the footprint of the existing quarry. The condition of the heath and habitats to the south of the working face suggest little impact on surrounding ecology. Furthermore, the ES provides an ecological assessment of four tip sites of

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differing characteristics that have been restored in accordance with an approved strategy which is unique to Penrhyn Quarry.

- 5.48 Four tip sites were selected based on the methods used to revegetate them and the length of time since initial plantings were carried out. It concludes that the techniques being used are working efficiently and that the more mature tips are developing into upland moorland habitats in favourable condition. Habitat & Species surveys suggest that the tips have been restored to a sufficiently diverse moorland offer good habitats for birds, small mammals and invertebrates. In the interests of promoting biodiversity, it may be concluded therefore that the detailed habitat creation & restoration plan previously approved in 2014 should apply for the whole site. NRW agree with the progressive restoration strategy for the worked areas of the quarry using seed balling techniques and tree seedlings planted in hessian pockets, together with details provided on bench treatments and quarried hard rock landforms. However, both NRW & Gwynedd Biodiversity stress the importance of the removal of sheep grazing from the site because this is severely hindering the development of habitats.
- 5.49 NRW are also supportive of proposals to retain undisturbed slate tips along the edge of the site for cultural heritage reasons, which are recognised as being distinctive and important to both local and national cultural identity and sense of place within this part of North West Wales. The restoration of tips on the north-western flank of the quarry is largely complete and includes many archaeological structures. The Campaign for the Protection for Rural Wales recognises the importance of the restoration techniques developed at Penrhyn which retain the character of the Historic Landscape.
- 5.50 The outer, historic tip configuration will therefore remain as existing and the tipping regime will therefore be confined to the footprint of the current workings and will not impact on any surrounding areas of ecological interest.
- 5.51 The Eryri SAC & SSSI has been selected for its features of geological, geomorphological and biological interest. It is a large site covering many mountains and is a total of 20,343 ha. It is of special interest for its upland habitats including lichen and bryophyte heath, montane heath, dry heath, wet heath, blanket bog, flush and spring, calcareous grassland, tall herb and fern ledges, vegetated scree and broadleaved woodland communities and for its inland rock exposures with crevice vegetation and low nutrient lakes, with a mixture of other habitats including acid and neutral grasslands, fen, rush pasture and marshy grassland, swamp, bracken and scrub along with a large number of streams and rivers.
- 5.52 In 2012, Gwynedd Council carried out an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 for a proposal to re-align and extend the quarry workings directly into the Eryri SAC which would result in the loss of 3.7ha of upland moorland. It was concluded at the time that the realignment area would avoid SAC features. However, the main ecological concern that was highlighted in the C12/0874/16/MW application was the potential impact to the Gwaen Gynfi bog, which is located down slope of the quarry and is within the designated Eryri SAC and SSSI. The potential impact identified was the interception of ground water flows to the bog due to the quarry excavations. In order to mitigate this impact a leat has been constructed around the edge of the quarry hole to transport water to the slope below, ensuring that surface water flows feeding the bog are retained. This recharge/overspill trench allows water to infiltrate into the peat horizon and overspill downslope into the wet heathland in order to replicate natural conditions.
- 5.53 With the implementation of the above mitigation it could be ascertained beyond reasonable scientific doubt that the proposal would not adversely affect the integrity of the SAC. The Appropriate Assessment concluded at the time that there would be no adverse effect on the integrity of the SAC as a consequence of any direct or indirect impacts.

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- 5.54 However, it is important to monitor the functioning of the leat and the vegetation in the Gwaen Gynfi bog and certain species vulnerable to decreases in wet heath conditions. Remedial work on the leat is required so that it conforms with the required specification and permitted design contained in the review proposals.
- 5.55 Therefore, Gwynedd Council as Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) have carried out an Appropriate Assessment under Regulation 61, in order to ascertain beyond reasonable scientific doubt that the review proposals will not adversely affect the integrity of the SAC. The key issues covered by the appropriate assessment are:
- The review proposals will not cause a direct loss of wet heath communities Annex 1 habitat,
 - No indirect impact on blanket bog habitats and wet heath in Gwaen Gynfi. Mitigating leat of potential designed to maintain the hydrology of the SAC.
 - Potential direct loss of habitat feature – Construction of the mitigating leat has avoided wet heath habitats.
- 5.56 The appropriate assessment concludes that there WILL BE NO ADVERSE IMPACT On the Eryri SAC, subject to remedial works on the leat being completed and that conditions are imposed to secure the functioning of the leat is monitored 4 times a year. NRW agree with this assessment.
- 5.57 Both the CCW & Gwynedd Biodiversity section have advised that conditions be imposed on the grant of permission to address the following issues:
- Continue with the unique restoration strategy developed for slate workings at Penrhyn,
 - Leat remedial works to be carried out in accordance with the specification agreed between Envireau Water and Natural Resources Wales. Management to include cleaning out/dredging requirements, maintenance/management requirements & report,
 - Continue to manage the Gwaen Gynfi ecological compensation area in accordance with the approved scheme in Appendix 13/2 of the 2016 Environmental Statement.
 - Control of operations within the SAC during bird breeding season & reptile hibernating season unless it can be proven in writing that the work will not disturb birds & reptiles,
 - The grazing sheep should be removed from the quarry, in particular on the restoration areas. Stock proof fencing should be in place.
 - Monitoring of leat flow at different times of the year to assess the functioning of the leat, the hydrology of Gwaen Gynfi & requirement for any maintenance works, to be agreed in writing with the LPA & CCW. It is important that the functioning of the leat is checked and if necessary any alterations to the leat undertaken if required. Monitoring of the condition of the blanket bog required,
 - An improved vegetation monitoring system should be developed for the Gwaen Gynfi Bog, habitat restoration areas and heathlands. Recommend a method statement for vegetation monitoring is provided and agreed, before further monitoring it is undertaken. A map showing the location of all monitoring points should be provided.
 - Updated lichen report showing the location of boulders with significant lichens and re-positioned boulders. A detailed vegetation map of the whole quarry area should be provided.
 - The quarry should be surveyed & monitored for non-native invasive plant species (those listed on schedule 9 of the Wildlife and Countryside Act 1981 as amended).
- 5.58 The Periodic review of the quarry workings at Penrhyn (alone or in combination with other plans or projects) is not likely to have a significant impact on the features of the SAC and will not affect the integrity of the site. It is considered therefore that subject to a scheme of monitoring in accordance with the planning conditions, the development and complies with National Planning

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Policy guidance as well as Policy A1, A3, B15, B16, B32, B33, C9, C14 & C17 of the Unitary Development Plan.

Archaeology

- 5.59 The archaeological report confirms 141 surviving features within the study area which mostly relate to the operation of the quarry in the 19th and 20th centuries. Pre-historic & medieval archaeological remains identified in the 2012 application have been the subject of detailed investigation and assessment in accordance with the recommended guidelines. However, in response to consultation, Gwynedd Archaeological Planning Service (GAPS) expressed concern about the continual threat to archaeological remains within the permitted working area given that half the sites identified in the 1995 scheme of archaeological investigation have been destroyed without proper record.
- 5.60 Damage incurred from the construction of the intercepting leat has affected part of the prehistoric farmstead identified of national importance demonstrates a potential conflict between two differing schemes of mitigation for the SAC and the wider archaeological interest of the site. There is a need therefore to review mitigation, given that remedial works required to address the functioning of the leat has the potential for increased damage to the archaeological feature, by running temporary access tracks over the enclosure boundaries. Important that such works are monitored by an archaeologist to ensure no damage to the prehistoric farmstead,
- 5.61 Regular reviews, such as the ROMP process is important to monitor the management and mitigation of archaeological concerns. GAPS propose an improvement of the approach to archaeology is required in order to conserve the collective significance of the site and suggest the inclusion of an additional condition, to secure the production and adoption of an archaeological conservation management plan for the quarry, based on the observations and recommendations of the Gwynedd Archaeological Trust report.
- 5.62 Further changes to the archaeological conditions submitted with the application to include the following;
- 1) No development (including groundworks or site clearance) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Mineral Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.
 - 2) A detailed report on the archaeological work and results, as required by condition, shall be submitted to and approved in writing by the Mineral Planning Authority within six months of the completion of the archaeological fieldwork or completion of the development, whichever is the sooner.
 - 3) For each phase of extraction, at least 14 days' notice of soil stripping shall be given to the Mineral Planning Authority and the developer shall afford access at all reasonable times to an appropriately qualified archaeological contractor who shall be allowed to undertake a programme of archaeological mitigation in accordance with the details approved by condition.
 - 4) Fence-off archaeological sites ref. PRN 5380, 12327 & 29989 until a programme of archaeological mitigation may be agreed and implemented with the prior written approval of the Mineral Planning Authority.

In light of the damage caused by the leat, we would suggest amending as follows;

- 5) For the duration of the development a fence shall be maintained to the satisfaction of the Mineral Planning Authority around the area including the archaeological sites identified by PRNs 5380, 12327 and 29989, as identified on Environmental Statement Chapter 12 Figure 1.4. Except as may have been agreed under condition 38 above, no works shall

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take place within the fenced area without the prior written approval of the Mineral Planning Authority and the implementation of an agreed archaeological mitigation programme.

- 5.63 The 2012 application included a further archaeological study of the Gwaen Gynfi Ecological compensation area (*Appendix 13/2 of the 2016 Environmental Statement*) and which confirmed the presence of archaeological features with the potential for further archaeological evidence to exist within peat deposits. The ecological management regime for this site includes mitigation for several upstanding archaeological features, based upon the minimal intervention with the area retained for low intensity sheep grazing and wet heath. It is suggested however that the regeneration of native tree species be the subject of monitoring and control in the interests of protecting any upstanding or buried archaeology.
- 5.64 It is expected that if the ecological compensation is primarily managed grazing then there would be negligible impact upon the standing and buried archaeological remains. There is therefore no justification for further archaeological evaluation of features in the form of archaeological trial excavation if the ecological management regime requires no intervention, i.e. the situation to remain the same.
- 5.65 Subject to a planning condition requiring appropriate archaeological mitigation prior to and during the course of development, the proposal is compliant with the requirements of Policy A1, B7 & B12 of the Unitary Development Plan.

Public Rights of Way

- 5.66 There are public rights of way (No's. 46 & 50 in the community of Llandygai) traversing the southern extent of the northern tip where the haul road connects the working face with the quarry processing area. In 2002 a temporary public footpath closure order was made on footpaths No. 46 and 50 under Section 257 and 261 of the 1990 Town and Country Planning Act, in order to allow the continuation of mining operations. The closure order was to run for 15 years and at the end of that period, the Quarry owners were required to restore the routes of the footpaths and diversion of parts thereof in accordance with the 2002 Order.
- 5.67 The tipping regime and overall restoration strategy for the site forms part of the development proposals outlined in the Periodic Review. However, the position concerning public rights of way could have significant consequences on the implementation of not only tipping rights but also health and safety concerns where public access to operational areas of the quarry may be re-established.
- 5.68 Historically the footpaths in question created a connection between Mynydd Llandygai and the town of Bethesda and are likely to be part of the route network used for many years by quarrymen. The closure order period ends in February 2017 and in order to implement their tipping and restoration proposals for the site and avoid any potential conflict with health and safety legislation, the applicant makes the case for extending the period up to 31st December 2034, which is the end date of the minerals permission.
- 5.69 While recognizing the concerns Quarry, Gwynedd Countryside & Access stress that the public has already lost the use of the resource for nearly 15 years and is likely to lose up to 17 more years. A meeting was convened with Welsh Slate to discuss alternatives to avoid potential conflict between users of public rights of way and the operational requirements of the Quarry and to further identify safe and practical options. To mitigate for the request to extend the footpath closure Order up until 2034, an option was put forward to establish a permissive footpath alongside the restored tips on the north-eastern flank of the quarry. The route of the permissive path would be the same as that which is currently used to access the zipwire departure point, adjacent to the former 'Green Quarry' which could link up with the open access areas on the upper elevations of the site.

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- 5.70 The planning committee will therefore be required to make a resolution to extend the 2002 Footpath Stopping-up and Creation Order, in respect of public rights of way 46 & 50 which cut across the working area of the quarry. In addition, a planning condition could secure the establishment of a permissive footpath within an agreed area of the quarry. Subject to the drafting of a diversion order at the applicant/operator's cost under the Town and Country Planning Act, and the alternative provision of a permissive path, the proposal therefore complies with the requirements of Policy CH22 of the Unitary Development Plan.

Sustainability matters

- 5.70 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.
- 5.71 As Mineral Planning Authority, the Council has a duty to ensure that mineral resources are exploited in a sustainable way so that they can make an appropriate contribution to the area's construction materials requirements. Gwynedd has a long history of mineral extraction and it remains an important facet of its economic and social make up. There are extensive deposits of a variety of materials suitable for exploitation in North Wales, particularly igneous rock, sand & gravel and limestone. Slate workings in Gwynedd are widespread and have traditionally been associated with the production of high quality roofing material. More recently its application has ventured into architectural sawn slabs, decorative building materials as well as the use of slate waste as a secondary aggregate to substitute traditional primary resources.
- 5.72 This application seeks to secure the continuation of an existing, permitted scheme of working where known reserves of quality slates exist, as opposed to prospecting for material in new sites or recommencement of long-dormant mineral sites.

The Economy

- 5.73 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.
- 5.74 Penrhyn Quarry is one of the longest established slate quarries in the U.K. where slate is understood to have been extracted from the site from as long ago as 13th century. In Victorian times it employed 3,000 and today the quarry has a workforce of 175. The development proposed extends the operational lifetime of the quarry and therefore extends the period of employment of workers employed directly and indirectly as a result of the quarry operations. Furthermore, the retention of a local workforce has positive impacts on the culture and more specifically, the status of the Welsh Language in the region.

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- 5.75 The proposal to which the application relates is absolutely critical to the company's future economic contribution. The company makes a direct and significant contribution to the local economy, employing up to 200 workers but in addition, jobs within businesses associated with the quarrying activities or companies which provide services for the operating company. The application confirms the company's present turnover of around £17 million per year, with about £8m in salaries of employees and contractors. As a result of this direct expenditure, it is anticipated that turnover within the economy is significantly higher due to the multiplier effect.
- 5.76 The proposal will therefore be likely to make a positive contribution on the economy of the area in accordance with Strategic Policy 16 and Policy A2 to Protect the Social, Linguistic and Cultural Fabric of Communities of the Unitary Development Plan as well as the Gwynedd Supplementary Planning Guidance, Planning and the Welsh Language, November 2009.

Community Benefit/Section 106 Issues

- 5.77 A Section 106 legal agreement is attached to the overarching permission ref C96A/0020/16/MW. With the determination of conditions under a periodic review, it is considered that much of the original agreement has been superseded by default including a schedule of conditions that are no longer relevant to the operation, a liaison group being legally binding and other requirements including the management of land outside the boundary of the permission which has since acquired SAC status. The only residual element of the agreement that requires review is the requirement for financial provisions to cover restoration works in the event of the premature cessation of operations. It is recommended therefore that the planning committee authorise the Senior Manager, Planning, Environment and Public Protection Services to initiate discussions with the operating company to review the terms of the Section 106 legal agreement.

Response to the public consultation

- 5.78 There have been no concerns or objections raised by third parties in response to consultation this application.

6. Conclusions

- 6.1 This application proposes a set of conditions which will rationalise the terms of four extant schemes of working as well as the operation of ancillary mining land at Penrhyn Quarry. The purpose of a Periodic Review under the Environment Act 1995 is to ensure that conditions do not become outdated and to provide an opportunity to respond to newly introduced standards and requirements. A schedule of conditions has been the subject of discussion and agreement with the applicant which is appended to this report. In accordance with the planning regulations it is considered that the schedule of conditions are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. Liability for compensation will only arise if the effect of any restrictive condition is to “... *prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site* ...”. Subject to the consideration of all other material planning considerations, it is considered that the development is acceptable in principle and would contribute to the sustainable supply of slate products in Gwynedd and conforms to national, regional and local mineral planning policy requirements (specifically Policy A1, A3, C9, C10, C15 & C17),
- 6.2 The essential planning issues in this case are:
- i. The sensitivity of the landscape - Snowdonia National Park, Landscape Conservation Area, Môn AONB & Landscape of Outstanding Historic Interest,
 - ii. The direct & indirect impacts of the proposal on a European Special Area of Conservation and Site of Special Scientific Interest, and the undertaking of a test of likely significant effects and appropriate assessment under the Conservation of Habitats and Species Regulations 2010,

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- iii. The requirement to monitor quarrying operations and the effects on the amenities of the area, i.e. impacts of noise, dust, haulage and working hours,
 - iv. The economic and social implications of prolonging local employment,
 - v. The potential to apply measures for long term mitigation based on continued working for a finite period of time & the opportunities for appropriate restoration.
- 6.3 There is unlikely to be any particularly apparent change in site working conditions with moderate change to the visual impact of the workings within the overall setting of the degraded quarry landscape. There are no overriding planning policy issues that raise any matters of concern and issues relating to noise, dust & environmental controls are well established on this site and subject to further scrutiny in the Environmental Statement. Residential amenity impacts have been addressed in the schedule of planning conditions including blast vibration monitoring, blast times, dust gauge monitoring & maintenance of a meteorological monitoring station, noise monitoring & revised noise levels and operating hours.
- 6.4 Notwithstanding the location, scale and method of working one of the largest slate workings in the UK, the impact of the operations is contained within the footprint of the existing quarry and occupies only a small portion of the visual envelope of the quarry workings. With the exception of a degree of impact from higher ground on the north side of the valley, the operations will have no significant impact from outside the site in that the configuration of historic tips helps to screen the operations from view. The operator intends to leave the outer face of all the tips substantially in-tact and the development is contained wholly within the footprint of the degraded quarry workings. It is unlikely therefore that there will be any significant change in site working conditions, visual amenity or any significant impacts on the setting of the National Park or character of the Ogwen Valley Landscape of Outstanding Historical Interest. It is considered that the submitted scheme of restoration and schedule of conditions is sufficient to mitigate for the potential visual & landscape impacts of the development and complies with the requirements of Policy A1, A3, B7, B8, B10, B12, B14, B27, C9, C14 & C17 of the Unitary Development Plan.
- 6.5 The processing area is that which is defined as ancillary mining land for the purposes of Class B of Part 19 to Schedule 2 of the General Permitted Development Order 1995 (as amended). However, the review process can include for ancillary mining land within the schedule of conditions to apply the same environmental controls and restoration proposals as for the greater part of the site.
- 6.6 The Environmental Assessment provides an overview of the entire water management system for the quarry and confirms that the existing water management system at Penrhyn Quarry utilises a combination of drainage channels, open channels, pumped drainage and surface water attenuation areas along with settlement lagoons. The newly constructed leat will serve to intercept surface water and superficial groundwater and re-direct surface waters in order to replicate the flow of water downslope into the Gwaen Gynfi SAC. The Periodic review of the quarry workings at Penrhyn (alone or in combination with other plans or projects) is not likely to have a significant impact on the features of the SAC and will not affect the integrity of the site. It is considered therefore that subject to a scheme of monitoring in accordance with the planning conditions, the development and complies with National Planning Policy guidance as well as Policy A1, A3, B15, B16, B32, B33, C9, C14 & C17 of the Unitary Development Plan.
- 6.7 There are sites of archaeological importance located within and around the quarry boundary and a scheme of mitigation will have to be agreed in accordance with conditions and/or production of a Conservation Management Plan including existing buildings and structures contained within ancillary mining land. A management regime will have to be agreed for the ecological compensation area to retain the wet heath characteristics but also so as not to damage or affect the integrity of any archaeological features present. Subject to a planning condition requiring appropriate archaeological mitigation prior to and during the course of development, the proposal is compliant with the requirements of Policy A1, B7 & B12 of the Unitary Development Plan.

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- 6.8 There is a requirement to extend the 2002 Footpath Stopping-up and Creation Order, in respect of public rights of way 46 & 50 which traverse the working area of the quarry. In addition, a planning condition could secure the establishment of a permissive footpath within an agreed area of the quarry.
- 6.9 It is recommended that the planning committee authorise the Senior Manager, Planning, Environment and Public Protection Services to initiate discussions with the operating company to review the terms of the Section 106 legal agreement.
- The operation makes a significant contribution to the local economy employing up to 200 workers (Strategic Policy 16 & Policy A2),
 - There are sensitive properties within the 200m designated buffer zone (Policy C12), however the site topography can be deceptive and the existing tip configuration serves to screen the proposal from sensitive development. The inclusion of planning conditions to meet modern standards in order to allow sufficient control on the potential nuisance impacts of noise and dust on the amenities of the area (Policy A1, A3, B23 & B33).
 - The implementation of proposed remedial works, habitat creation & management, restoration and landscaping and mitigation measures will ameliorate long-term detrimental effects on wildlife. The site will be the subject of an approved and well established restoration plan. (Policy C14),
 - Leat remedial works to be carried out in accordance with the specification agreed between Envireau Water and Natural Resources Wales. Management to include cleaning out/dredging requirements, maintenance/management requirements & report,
 - Monitoring of leat flow at different times of the year to assess the functioning of the leat, the hydrology of Gwaen Gynfi & requirement for any maintenance works, to be agreed in writing with the LPA & CCW. It is important that the functioning of the leat is checked and if necessary any alterations to the leat undertaken if required. An improved vegetation monitoring system should be developed for the Gwaen Gynfi Bog, habitat restoration areas and heathlands. Policies A1, A3, B15, B16, B32, B33 of the Gwynedd UDP,
 - Continue to manage the Gwaen Gynfi ecological compensation area in accordance with the approved scheme in Appendix 13/2 of the 2016 Environmental Statement but include mitigation for archaeological features,
 - Control of operations within the SAC during bird breeding season & reptile hibernating season unless it can be proven in writing that the work will not disturb birds & reptiles,
 - The grazing sheep should be removed from the quarry, in particular on the restoration areas. Stock proof fencing should be in place.
 - The existing road network is of sufficient standard to deal with the flow of traffic expected from the site (maximum of 650,000 tonnes per year) and subject to appropriate conditions, the development therefore conforms to the requirements of Policy CH33 (road safety) and Policy C36 (Car Parking Facilities) of the UDP,
 - Consideration has been given to safety issues between two potentially conflicting land uses involving the movement of quarry traffic and users of a tourist attraction. However, the issue of access has been addressed with the grant of permission for the zipwire facility having a dedicated car parking facility and on-site provision to keep traffic flows and operational requirements of the minerals operation separate to the movement of pedestrians. The proposal therefore complies with Policy CH36 of the UDP,
 - In terms of the control of surface water flows and prevention of pollution, the proposal conforms to the requirements of Policies B32 & B33 of the UDP.
 - The proposal satisfies the sustainability goals of Planning Policy Wales and The Well-being of Future Generations Act (Wales) 2015,

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7. Recommendation:

- 1) To authorise the Senior Manager, Planning, Environment and Public Protection Services to extend the 2002 Footpath Stopping-up and Creation Order, in respect of public right of way No's 46 & 50.
- 2) To authorise the Senior Manager, Planning, Environment and Public Protection Services to determine the scheme of conditions under delegation.
 - Duration of Working 31 December 2032,
 - Permitted Operations & Compliance with the Submitted Details/Plans,
 - Provision for the diversion of PROW's No's.46 & 50,
 - Hours of Working at the working face,
 - Method of working & blast limitations,
 - Restoration & detailed habitat creation & restoration plan in accordance with the application details,
 - Restoration scheme for the plant site by 31 December 2030,
 - 5-yearly Review of operations,
 - Control of external lighting,
 - Control of daytime & night-time noise limitations,
 - Control of fugitive dust & provision/maintenance of a weather station,
 - Soils & restoration media storage,
 - Restriction on permitted development rights,
 - Restriction on vegetation clearance at specific times of the year unless it can be proven in writing that the work will not disturb birds & reptiles,
 - Updated lichen monitoring,
 - Moorland habitat management plan for the ecological compensation area in accordance with the details provided,
 - Leat remedial works to be implemented in accordance with the submitted scheme,
 - Fencing to be agreed with the LPA & CCW,
 - Monitoring of leat flow as part of an annual review to assess its functioning, the hydrology of Gwaen Gynfi & requirement for any maintenance works, to be agreed in writing with the LPA & CCW,
 - Gwaen Gynfi habitat monitoring,
 - Archaeological recording & mitigation,
 - Invasive species survey & monitoring,
 - Fencing-off of archaeological features to the north of the extraction area (multicellular sheepfold)