

PLANNING COMMITTEE	DATE: 26/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 1

Application Number: C23/0302/22/LL

Date Registered: 17/04/23

Application Type: Full

Community: Llanllyfni

Ward: Penygroes

Proposal: Application for extension to Cae Efa Lwyd sand and gravel pit

Location: Chwarel Cae Efa Llwyd, Penygroes, LL54 6PB

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application for an extension to the extraction area of the Cae Efa Lwyd sand and gravel pit. Cae Efa Lwyd is a working sand and gravel pit located on agricultural land west of the village of Penygroes with vehicular access gained off Ffordd Clynnog (Class 3 public highway). Under existing planning permission(s), the site has been subject of phased mineral extraction that is transported along the public highway to Cefn Graianog for processing and sale. The proposed extension to the extraction area and existing planning permissions do not provide any scope for screening, crushing, washing or the installation of any machinery at the Cae Efa Lwyd site. Overburden and soils stripped from working areas will be stored on site in screening bunds until use in restoration following the end of mineral extraction operations.
- 1.2 The proposed extraction extension area will extend the site northwards, covering an area 4.1ha with the base level of the extraction at 93m-95m aOD. This will release around 792,803 tonnes of sand and gravel in addition to the 298,000 tonnes remaining within the existing permitted extraction area (giving a total of 1.1 million tonnes extracted from the site). The mineral will be limited to 125,000 tonnes a year and will take approximately 10 years to complete (in combination with existing permitted reserves). The vehicular access completed in March 2019 under planning permission reference C17/0455/22/LL will continue to be used under the proposal.
- 1.3 This application is accompanied by an Environmental Statement (*ES*) and is subject of an Environmental Impact Statement following a screening and scoping opinions in line with the requirements The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

2. Relevant policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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

PS1: Welsh language and culture

PS 4: Sustainable transport, development and accessibility

TRA 2 Parking Standards

TRA 4: Managing transport impacts

PS 5: Sustainable development

PS 6: Alleviating the effects of climate change

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

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PCYFF 5: Carbon management
 PCYFF 6: Water conservation
 PS 13: Providing opportunity for a flourishing economy
 PS 19: Conserving and where appropriate enhancing the natural environment
 AMG 2: Special Landscape Areas
 AMG 5: Local biodiversity Conservation
 AMG 6: Protecting Sites of Regional or Local Significance
 PS20: Preserving and where appropriate enhancing heritage assets
 AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens
 AT 4: Protection of non-designated archaeological sites and their settings
 PS 22: Minerals
 MWYN 1: Safeguarding mineral resources
 MWYN 2: Preferred Areas
 MWYN 3: Mineral developments
 MWYN 5: Buffer zones around mineral sites
 MWYN 9: Restoration and after care

Supplementary Planning Guidance (SPG): 'The Slate Landscapes of Northwest Wales' World Heritage Site.
 SPG 'Maintaining and Creating Distinctive Sustainable Communities'

2.4 National Policies:

Planning Policy Wales (Edition 12 - February 2024)
 Future Wales: The National Plan 2040
 Mineral Technical Advice Note 1 (MTAN) Aggregates
 Technical Advice Note 5: Nature Conservation and Planning
 Technical Advice Note 11: Noise
 Technical Advice Note 18: Transport
 Technical Advice Note 23 Economic Development
 Technical Advice Note 24: The Historic Environment

3. Relevant Planning History:

C19/0852/22/AC 'Discharge of conditions 1 (Written notification of commencement of development), 2 (Written notice of commencement of development), 8 (Completion of access), 27 & 28 (Restoration & aftercare), 37 (Badgers), 38 (Archaeology), 40 (Oil & fuel), 41 & 42 (Surface water management) on ROMP determination C13/0217/22/MW' – Conditions formally discharged on 09/10/2019.

C18/1190/22/AC 'Discharge of Conditions 1, 3, 7, 11, 14, 23, 24, 27 & 28 on Planning Permission C17/0455/22/LL (Condition 1 – Written notification of commencement, Condition 3 – Written notification of commencement of certain activities, Condition 7 – Location and details of wheel wash, Condition 11 – Soil storage scheme, Condition 14 – Restoration and aftercare proposals, Condition 23 – Badgers, Condition 24 – Archaeology, Condition 27 & 28 – Hydrology (surface water management)' - Conditions formally discharged on 04/02/2019.

C17/0455/22/LL 'Formation of a vehicular access to Cae Efa Lwyd sand and gravel pit from the Class 3 County Highway at Allt Goch and associated engineering works.' – Planning permission granted on 18/12/2017.

C13/217/22/MW 'Environment Act 1995. Application for the determination of conditions to re-activate a dormant sand and gravel site under planning permission 2250 dated 10 December

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1951 - field no. 297, Cae Efa Lwyd, Penygroes – Permitted as under permission No.2250 subject schedule of conditions modified on 20/12/2017.

2250 ‘Proposed re-opening of existing gravel pit on Field No.297 and future working of Field Nos. 155, 298 and 298a, at Cae Efa Lwyd Fawr, Penygroes’ – Planning permission granted on 10/12/1951.

4. Consultations:

Community Council:

Response received on 11/05/2023:

Comments requesting that conditions placed on the existing planning permission can be extended to cover the new application.

Transportation Unit:

Response received on 09/05/2023:

I have no objection to the proposed increase from 20 to 25 HGV loads per day.

Public Rights of Way Unit:

Response received on 28/11/2023:

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

Natural Resources Wales:

2nd Response received 20/11/2023:

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the further information in support of the above, which we received on 31 October 2023. We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following groundwater protection condition to any planning permission granted: Please note, without the inclusion of this condition we would object to this planning application. Further details are provided below.

Groundwater Protection

We have reviewed the following information:

1. Environmental Statement. Kedd Limited, February 2023
2. Hydrogeological Impact Assessment – Penygroes Quarry. Hafren Water Limited, Report Reference: 3013/HIA Final version F2, November 2022.
3. Email dated 16/10/23 (17:30) from Lian Toland to Rhys Cadwaladr. Re: Application for extension to Cae Efa Lwyd sand and

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gravel pit – Ref: C23/0302/22/LL.

We note the reiteration of working above the water table with a 1 metre unsaturated zone buffer. We previously advised details on ongoing monitoring be submitted to ensure that mineral extraction remains 1 metre above the local water table. The email dated 16/10/23 (17:30) from Lian Toland to Rhys Cadwaladr explains that the existing groundwater monitoring network will be used to check the 1m buffer above the water table is maintained. The email goes on to suggest this could be checked annually via condition. We advise that this is implemented and secured through a suitably worded condition within any permission. The applicant should inform the LPA (and NRW) immediately if it is found that the 1m buffer above the water table is breached.

Protected Sites

We note that both bat transect and activity surveys for bats have been undertaken on the site between June and September in years 2020 and 2022, and that 6 bat species were recorded during the surveys. Whilst the survey undertaken did not detect Lesser Horseshoe bat, we note the proximity of the Glynllifon Special Area of Conservation and Glynllifon Site of Special Scientific Interest (SSSI) (<1km), and therefore welcome the proposals for site restoration, particularly the inclusion of an interconnecting woodland corridor at the northern end of the development site. We note that revised restoration plans have been submitted which include some planting in phase 2, in order to introduce connecting features that could be used by bats. As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/SPA/Ramsar site. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

European Protected Species

We refer you to our advice within the Protected Sites section above and have no other European Protected Species comments. Protected Landscapes The proposal is 3.2km from the Eryri National Park and 2.1km from the Llŷn Area of Outstanding Natural Beauty (AONB). We do not consider that proposal would conflict with the purpose of

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the National Park / AONB however we advise that you liaise with your internal landscape advisory regarding any local landscape impacts.

Surface Water Drainage

The site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004). TAN15 advises that for development located in Zone A the justification test is not applicable and surface water requirements apply. The acceptability criteria is for no increase in flooding elsewhere to occur as a result of the development. Given the location of development in Zone A, we advise that surface water requirements should be assessed. We note it is for the Authority's Land Drainage Department to comment on the suitability of these proposals.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. If you have any queries on the above, please do not hesitate to contact us.

1st Response received on 24/05/2023:

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 21st April 2023. We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding groundwater protection. If this information is not provided, we would object to this planning application. Further details are provided below.

Groundwater Protection

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1. Environmental Statement. Kedd Limited, February 2023
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We note the reiteration of working above the water table with a 1 metre unsaturated zone buffer. However, how will this be checked and complied with is, has not explained. There is a groundwater monitoring network at the site – will this be retained to ensure that the 1 metre unsaturated zone is maintained during the extraction of the mineral? We advise that the applicant provide details on the ongoing monitoring that will be employed on site to ensure that mineral extraction remains 1 metre above the local water table to support this application.

Protected Sites

We note that both bat transect and activity surveys for bats have been undertaken on the site between June and September in years 2020 and 2022, and that 6 bat species were recorded during the surveys. Whilst the survey undertaken did not detect Lesser Horseshoe bat, we note the close proximity of the Glynllifon Special Area of Conservation and Glynllifon Site of Special Scientific Interest (SSSI) (<1km), and therefore, welcome the proposals for site restoration, particularly the inclusion of an interconnecting woodland corridor at the northern end of the development site. Landscape mitigation measures include the use of progressive restoration, however as shown and described on the phasing plans this would not be considered full restoration. No tree or shrub planting is proposed until after the last phase (Phase 4). We would therefore recommend tree/hedgerow planting as part of the earlier phases, wherever feasible (e.g., in the western part of the site), in order to introduce connecting features that could be used by bats. As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/SPA/Ramsar site. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

European Protected Species

We refer you to our advice within the Protected Sites section above and have no other European Protected Species comments.

Protected Landscapes

The proposal is 3.2km from the Eryri National Park and 2.1km from

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the Llŷn Area of Outstanding Natural Beauty (AONB). We do not consider that proposal would conflict with the purpose of the National Park / AONB however we advise that you liaise with your internal landscape advisory regarding any local landscape impacts.

Surface Water Drainage

The site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004). TAN15 advises that for development located in Zone A the justification test is not applicable and surface water requirements apply. The acceptability criteria is for no increase in flooding elsewhere to occur as a result of the development. Given the location of development in Zone A, we advise that surface water requirements should be assessed. We note it is for the Authority's Land Drainage Department to comment on the suitability of these proposals.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. If you have any queries on the above, please do not hesitate to contact us.

Dŵr Cymru:

Response received on 02/05/2023:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

ASSET PROTECTION

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dŵr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dŵr Cymru Welsh Water before any development commences on site.

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SEWERAGE

It appears the application does not propose to connect to the public sewer, and therefore Dŵr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Public Protection Unit:

Response received on 05/10/2023:

I refer to the above application and make the following comments:

The application has been considered and responses are made in reference to the submitted reports as follows;

- Dust Impact Assessment by SLR, Ref: 416.13225.00001
Version No: 2.0 July 2022 (Dust IA)
- Noise Assessment by SLR, Ref: 403.13225.00002v1 Version
No: 2 July 2022 (NA)
- Proposed Extension to Penygroes Quarry, Gwynedd
Environmental Statement, February 2023 KEDD Ltd (EA)

The application is for the extension to the existing Sand and Gravel Quarry determined under Planning Application C13/0217/22/MW for a further 7 years, the areas for the proposed works have been highlighted in the application as phase 2,3 and 4.

The application is to include the extension to phase 1 area. The normal operational hours are stated as 0800 hours to 1800 hours daily Monday to Friday and not at all on Saturday, Sunday, or Bank Holidays. We note and agree to these hours as detailed in the EA report para 3.2.1. Condition 12 of C13/0217/22/MW which relates to the working hours should be transposed to this application should the application be granted.

The plans reference KD.PEN.D.012A and KD.PEN.D.013A make reference to screening bunds 1-5 indicating their height and location. We would advise that the heights of the bunds are conditioned should the application be granted. Bund 1 is highlighted as a noise attenuation bund and must be 5m in height as indicated.

No permitted process activities, such as the processing and crushing of materials should be conducted on site.

Noise

Potential noise impacts are associated with mobile/fixed site plant

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and vehicle movement. The noise assessment makes calculations at sensitive receptors for a worst-case scenario of all activities operating concurrently; and these are compared against suggested noise limits set out in the relevant guidance.

Concerns were raised by the Service with the noise consultant prior to receiving this application regarding the background noise monitoring undertaken over the Easter holidays. However, the noise report has provided evidence of background surveys undertaken in 2014 and 2017. The results of the 2017 survey are representative and similar to the levels taken in 2022.

There are several residential neighbouring properties located close to the proposed area, which is within a mainly rural area.

The Mineral Technical Advice Note (Wales) recommends 100 metres minimum buffer zone for sand and gravel between active operational areas of a pit (not the application boundary) and sensitive property. The extension of the Quarry will comply with the buffer zone. An acoustic barrier and bund are already in place to the south-eastern boundary for the existing quarry and must remain in situ should the extension be granted.

The noise report has provided calculations of the predicted noise levels from the proposed extension in comparisons to MTAN 1 guidance, stating noise levels from the proposed workings of the Quarry shall not exceed the background noise level by more than 10dB(A). We accept the conclusion of the noise report and proposed mitigation measures outlined within section 4.2 of the report. It is advised that the mitigation measures are conditioned.

Except with prior written agreement with the Mineral Planning Authority, noise emissions from the operations carried out at the site (excluding temporary operations such as soil stripping etc) shall not exceed the following noise levels in dB LAeq, 1 hour at the specified monitoring locations, when measured at a height of 1.5meters above the ground and in free-field conditions:

Monitoring location	Monday-Friday 0800-1800 (excluding Bank holidays)	Temporary operations (no more than 8 weeks per annum)	Any other period
Pentyrch, LL54 6NS	45	67	42
Ffermdy	47	67	42

Minffordd, LL54 6PE			
Cae Efa Lwyd Fawr, LL54 6PB	46	67	42
Cae Efa Llwyd Fach, LL54 6PB	51	67	42

Temporary Activities

Where temporary activities can bring a longer-term environmental benefit, a limit of 67dB LAeq has been adopted (no more than eight weeks per annum), based on the MTAN 1 guidance. A written record shall be made of the dates that these activities are taking place and shall be made available to the Planning Authority on request.

Operational Noise/ Road Traffic

A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the planning Authority on request at any time during permitted working hours.

The number of vehicles should also be restricted by means of planning condition. Planning conditions should be imposed in respect of controls for the use of 'white noise' reverse alarms for site based mobile plant.

All vegetation, topsoil and subsoil stripped from each phase, and areas affected by excavations, temporary access roads and vehicle haulage roads, should be stored within acoustic screening bunds.

Air Quality

Between February 2019 and April 2020, the Public Protection Service deployed an OSIRIS Particle Monitor (instrument # TNO2558) at Pentyrch, LL54 6NS. This house is directly adjacent to the Quarry and the monitoring period included pre and post operation.

This instrument is a continuous monitor and was used to measure PM10, PM2.5 and PM1 particles with a resolution of 0.1 µg/m³. It is Environment Agency MCERTS certified for reliable and accurate recording of PM₁₀ and PM_{2.5} data.

The data obtained over this period was collected and used to

determine any exceedances of the Air Quality Standards below:

Air Quality (Wales) Regulations 2000, as amended by the Air Quality (Wales) (Amendment) Regulations 2002

Pollutant	Air Quality Objective	
	Concentration	Measured as
Particles (PM ₁₀) (gravimetric)	50 µg/m ³ , not to be exceeded more than 35 times per year	24-hour mean
	40 µg/m ³	annual mean

Other air quality standards relevant to human health

Pollutant	EU Limit or target value	
	Concentration	Measured as
Particles (PM _{2.5}) (gravimetric)	25 µg/m ³	annual mean

No exceedances of the above standards were shown in the data collected over this period.

Air Quality criteria should be included in relation to public health to meet the air quality objectives to ensure that any air pollutants arising from the works do not have an adverse impact on public health. The main area of concern would be the release of fugitive emissions to air during the operational phases and resulting from HGV traffic movements.

We have reviewed the submitted Dust Impact Assessment by SLR Ref: 416.13225.00001 Version No: 2.0 July 2022. We concur with Section 6.2.1 of the report that there is little potential for Site operations to cause a breach in the above objectives.

An updated Dust Monitoring and Control Scheme will be required as outlined in Section 6.1.1 of the report. The scheme must be put in place and the following matters conditioned (see Table 1 and Table 2

below):

The levels of PM10's shall not exceed $50\mu\text{g}/\text{m}^3$ as a daily mean with no more than 35 exceedances per year, and $40\mu\text{g}/\text{m}^3$ measured as an annual mean, when measured at the nearest sensitive human health receptor.

The levels of PM2.5 shall not exceed $25\mu\text{g}/\text{m}^3$ as an annual mean, when measured at the nearest sensitive human health receptor.

Nitrogen Dioxide NO_2 levels shall not exceed an hourly mean of $200\mu\text{g}/\text{m}^3$ more than 18 per year and shall not exceeded $40\mu\text{g}/\text{m}^3$ measured as an annual mean and shall be measured at nearest sensitive human health receptor.

Table 1

Authority	Pollutant	Objective	Measured as:	Relevance
EC/UK Air Quality Standard	PM ₁₀	$50\mu\text{g}/\text{m}^3$ Exceeded < 35 times/annum	24hr mean	Air Quality in relation to public health
EC/UK Air Quality Standard	PM ₁₀	$40\mu\text{g}/\text{m}^3$	Annual mean	Air Quality in relation to public health
EC/UK Air Quality Standard	NO ₂	$200\mu\text{g}/\text{m}^3$	Hourly mean	Air Quality in relation to public health
EC/UK Air Quality Standard	NO ₂	$40\mu\text{g}/\text{m}^3$	Annual mean	Air Quality in relation to public health
UK Air Quality Standard - target	PM _{2.5}	Target value $25\mu\text{g}/\text{m}^3$	Annual mean	Air Quality in relation to public health

Statutory Nuisance and Dust Deposit Gauges

No statutory limits have been set for acceptable levels of dust nuisance, but UK guidance suggests a guideline value of 200 mg/m²/day as an indication of likely nuisance. It is therefore advised to place a condition to reflect Table 2 below.

Table 2

Authority	Pollutant	Objective	Measured as:	Relevance
Nuisance Dust Deposition Rate	Particulate	200 mgm ⁻³ /day	Averaged over 1 month - Annual mean	Nuisance Dust Deposition

Upon receipt of a complaint or on the request of the Planning department Air Quality Monitoring, and/or a dust survey shall be undertaken for a minimum period of 3 months at agreed location/s with the planning authority. This can be conditioned worded in condition 14 of the planning consent C13/0217/22/MW.

Dust from HGV's and Road Debris

A wheel wash facility should be sited before the weighbridge and exiting the public highway. Details of the vehicle cleaning facilities to be installed including location, design, specification, and controls to be used to ensure correct usage shall be submitted to the for approval in writing. The approved facilities shall thereafter be maintained in full working order and used by all HGV's leaving the site to ensure that no mud, dust, or other deleterious material is transferred onto the public highway when leaving the site.

All vehicles transporting minerals from the site, of a size less than 100mm in any dimension, shall be securely sheeted.

Soil Policy & Agricultural Land Use Planning Unit:

2nd Response received on 22/11/2023:

I refer to your e-mail on the 31st of October 2023 consulting the Department on the above amended planning application. This response is made in accordance with:

- Schedule 51 of the Town and Country Planning Act 1990 (as amended); and,
- Minerals Technical Advice Note (MTAN) 1, Chapter D2

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- Annex B of Technical Advice Note (TAN) 6 – 2010. 3
- Planning Policy Wales (PPW), Edition 11 – 2021. 4 The Department for Climate Change does not wish to comment upon the principle of the development and will confine comments to the agricultural after use that is proposed for part of the site.

Agricultural Land Classification (ALC):

A detailed ALC survey was commissioned by the Applicant using LRA (January 2022). The survey mapped two distinct blocks of ALC sub-grades 3a and 3b.

Agricultural After Use:

The submitted scheme for the working and restoration of the quarry identifies an area approximately 0.81ha (noted as Field A) intended for restoration to Best and Most Versatile agricultural land (Subgrade 3a) and an agricultural after use on cessation of quarrying. Plan 2 of the Clarification of Soil Resources and Agricultural Quality of Land report specifies Species Rich Grassland managed by grazing. All soil material found within the extension area shall be recovered, stored and used in the agricultural and amenity restorations all in a manner that is detailed in Technical Appendix H.

Schedule 5, Part 1(1):

Subject to the condition below, it is confirmed that agriculture is an appropriate after use for Area A and can be specified as such by your Authority in accordance with Schedule 5, Part 1(1) of the 1990 Act. Condition 1: The applicant has provided additional information on water table and drainage management for Field A. The Department cannot comment on the validity of this information. Your Authority will need to be satisfied that the drainage proposals are adequate. Any drainage problems causing a high-water table or surface water ponding whether seasonally or permanent would prevent a beneficial agricultural after use and as such render the paragraph above void, i.e., not in accordance with Schedule 5, Part 1(1) of the 1990 Act.

Schedule 5, Paragraph 3(2):

The scheme does not provide confidence that it is practicable to restore Area A to Best and Most Versatile (BMV) Agricultural Land. As such the standard of agricultural after use should create an agricultural resource that is of continuing, long term economic benefit to the local agricultural community. Grade 3b (ALC) productive grassland is considered to be the appropriate standard in this case, to reflect the quality of land taken in the extension area, the available soil resource, the lack of a soil physical characteristics report and specific BMV measures, and to satisfy the requirement of

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paragraph 3(2) of Schedule 5 of the 1990 Act. BMV Policy: 0.81ha of BMV agricultural land is likely to be lost as a result of this development (Plan 1 of the Clarification of Soil Resources and Agricultural Quality of Land Report). TAN6 Annex B6 expects, “that planning authorities should be able normally to determine applications for development on agricultural land in the light of evidence before them... Such [non-statutory] consultations [with the Department] should be confined to matters of technical detail and not relate to the merits or otherwise of the application, on which it is for the planning authority to take a view.”

Agricultural Restoration and Aftercare Conditions

It will be necessary to impose appropriate conditions to regulate the necessary operations during the life of the quarry to achieve the required standard of agricultural after use. These conditions should require the quarry operator to follow the sequence of operations set out in the submitted working scheme, as above, or in the event of a change in method of working and/or restoration strategy, to require submission of revised proposals for prior approval. I attach a schedule of conditions that highlight restoration and aftercare operations that require to be regulated by condition (see Annex 1 and Annex 2). Please discuss if your Authority sees any difficulty in including such matters in the permission. The advice expressed does not bind any other part of Welsh Government commenting on the proposal. I trust the above expression of view and associated remarks are clear and unambiguous. Please do not hesitate to contact if necessary.

1st Response received on 15/05/2023:

I refer to your e-mail on the 24th of April 2023 consulting the Department on the above planning application. This response is made in accordance with:

- Schedule 51 of the Town and Country Planning Act 1990 (as amended); and,
- Minerals Technical Advice Note (MTAN) 1, Chapter D2
- Annex B of Technical Advice Note (TAN) 6 – 2010. 3
- Planning Policy Wales (PPW), Edition 11 – 2021. 4 This response will first set out our consideration of the Agricultural Land Classification survey undertaken for the site, followed by our response on the proposed application and wider worked area within the existing permitted boundary.

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1. Agricultural Land Classification (ALC) - Advice:

An ALC report has been prepared by Land Research Associates (LRA) (Ref: 1921/1 – Soil Resources and Agricultural Quality of land at Penygroes Quarry, dated 10th January 2022) – a copy is attached for information. The report found the survey area to be 5.6ha ALC Subgrade 3a, 4.2ha Subgrade 3b and 3.7ha ‘other land’ – a total of 13.5ha surveyed. The Department has undertaken a validation of the LRA survey report and can confirm it has been undertaken in accordance with the ‘Revised Guidelines and Criteria for Grading the Quality of Agricultural Land’ (MAFF 1988)⁵. The report can be accepted as an accurate reflection of the agricultural land quality on the site. This confirms the surveyed area contains 5.60ha of Best and Most Versatile (BMV) agricultural land as defined in Planning Policy Wales (PPW) 11, paragraph 3.58. The Department wishes to note that references to ‘MAFF Good Practice Guide for Handling Soils’ (Section 5.0 of the report) has now been superseded by the Institute of Quarrying (IoQ) ‘Good Practice Guide for Handling Soils in Mineral Workings’ 6 (2021). Sheets 1, 2, 3, 4 and 14 are now superseded by Sheets A, B, C, D and G respectively of the IoQ guidance.

2. Best and Most Versatile (BMV) agricultural land.

The application involves BMV agricultural land and therefore Planning Policy Wales (PPW) paragraphs 3.58 and 3.59 will apply. The department does not consider that the policy has been addressed in the application, demonstrating how: - i. ‘considerable weight’ is given to protecting BMV land from development. ii. demonstrating an ‘overriding need’ if BMV land needs to be developed, iii. clear application of the sequential test approach. The application is unclear on how much BMV land will be worked / disturbed and how much will be lost or intended for restoration and if this is to pre-working condition or alternative after use. BMV agricultural land is a finite resource. The department disagrees with the statements in paragraph 5.3.45 and 5.3.47 of the planning statement. TAN 6, paragraph 6.2.2 notes that ‘...once agricultural land is developed, even for ‘soft’ uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable’.

3. Restoration and After Use:

A concept restoration plan has been provided for the entire site (drawing: KD.PEN.D.006A Concept Restoration - FINAL) noting that the quarry will be progressively restored to an ‘...agricultural and/or wildlife habitats...’ after use (see paragraph 1.1.5 of planning statement). It is unclear if the intended after use of the site is for amenity (Schedule 5, 3 (4) of the 1990 Act) or agricultural (Schedule 5, 3 (2) of the 1990). It appears to be for amenity after use managed by grazing (para 1.1.6), however, this is matter for the Applicant to

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clearly state and not for the Department to assume. It is essential to clarify the intended after use to ensure restoration and aftercare proposals are achievable and be able to condition against. If agriculture after use is intended for the quarry floor, it is not clear how water table and drainage would be managed for beneficial agricultural after use. The Department is concerned that the bowl feature may lead to drainage problems and surface water ponding whether seasonally or permanently (MTAN1 para 99). The concept restoration plan (Ref: KD.PEN.D.006A) notes the slopes of the quarry would be 1:2 or 1:3, this would limit these areas to no better than ALC Grade 5 (very poor quality agricultural land) due to risk of soil erosion and safe working limits of agricultural machinery (Table 1 of ALC Guidelines and Criteria7). Some of this area is currently confirmed ALC Subgrade 3a (BMV). From the figures provided in the soil resources report (Technical Appendix H) there appears to be adequate topsoil (29,400m³) and subsoil (11,800m³ and 23,500m³) available to restore the 7.73ha worked area (based on 300mm topsoil and 400mm subsoil). The application provides no details on expected base material, base ripping or a proposed aftercare scheme. It is the responsibility of the mineral operator to design and implement a high-quality restoration and aftercare scheme that must be an integral part of any mineral extraction application (MTAN1 Para 97 and PPW 5.14.50). At this stage, it is not clear whether agriculture is an appropriate after use for the quarry floor area, given the uncertainty over drainage and practicality.

4. Expression of View:

The Department offers a Conditional Objection to the application on the basis of the proposal's inconsistency with PPW, MTAN1 and TAN6. Reasons:

- BMV agricultural land policy (PPW 3.58 & 3.59) has not been addressed.
- The intended after use of the site (as defined in Schedule 5, 3 of the 1990 Act) is unclear.
- The application lacks details of an appropriate restoration and aftercare scheme. It is the responsibility of the mineral operator to design and implement a high-quality restoration and aftercare scheme that must be an integral part of any mineral extraction application (MTAN 97 and PPW 5.14.50).

Further Consideration: The Department would be pleased to reconsider its position should further information be provided addressing the deficiencies raised.

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Biodiversity Unit:

Response received on 30.01.2024:

The application is unlikely to have a significant effect on the SAC and therefore an appropriate assessment is not required.

Response received on 20/06/2023:

The extension will be within agricultural fields to the north of the existing permitted Penygroes Quarry. There is approximately 298,000 tonnes of remaining permitted mineral on site. This gives an approximate 3 year remaining lifespan based on extraction of 125,000 tonnes per annum. Based on geological investigations, it is estimated that the proposed extension will release approximately 792,803 tonnes of additional sand and gravel.

Badgers

Badgers are protected in the UK under the Protection of Badgers Act 1992 and Wildlife and Countryside Act 1981 (as amended). I visited the quarry in February 2023. I found an active badger sett within the quarry and more signs of badger around the quarry. During my site visit I was disappointed to see that the mitigation badger sett was in a similar and worse condition than it was in 2019. Badger condition for mineral permission C13/0217/22/MW in a letter discharging the conditions for quarrying works under C19/0852/22/AC states that repairs and enhancements are required for the badger mitigation sett (condition 37). These have still not been completed. I would like to see that the fence around the mitigation badger sett is repaired, and the gate locked shut and that trees are planted around along the fence that includes elder, hazel, damson, hawthorn and bramble. I would be grateful if this was completed as soon as possible. The applicant has provided a Badger Report by Kedd Ltd dated Feb 2023 the survey found two outlier setts are in locations that are not currently required for extraction works, and recommends that a 30m stand-off is to be retained to ensure the protection of these setts. A licence from Natural Resource Wales will be required to undertake works that will destroy a badger sett. The artificial badger sett is to be retained during the extent of the works. In addition, the quarry extraction will observe a 30m stand-off from this sett and hedgerow planting is recommended to be undertaken around the protection fence of the sett. I continue to be disappointed that the mitigation badger sett has not been enhanced. I would like a report as soon as possible detailing enhancements made to the artificial replacement sett. I recommend that this is completed before this planning proposal is determined.

Reptiles

The applicant has provided a Reptile Report dated July 2022 by Kedd Ltd. No reptiles were recorded. However, I consider it likely

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that reptiles would be present and perhaps in March 2022 a Common Lizard was found 58 meters from the quarry entrance on the opposite side of the road on a stile. The cycle track is 270 meters to the east of the quarry and this is likely to have reptiles as is the wetland 240 meters to the west. I therefore recommend that it is assumed that reptiles are present and the reptile report also recommends “Although no reptiles were recorded during the surveys, it may be the case that individual reptile species may move through the site commuting from adjacent habitats. It is therefore recommended that all soil stripping works for the proposals are conducted under Ecological Clerk of Works (ECoW). The ECoW supervision will involve a suitably qualified ecologist conducting a fingertip search prior to the commencement of soil stripping works onsite. In addition, the ecologist should then observe soil stripping works from a safe distance and in the unlikely case that reptiles are observed, these reptiles can then be safely translocated from the site boundary” I agree with this.

Breeding Birds – Sand Martins

The soft cliffs of the quarry have sand martin colonies and the Breeding bird Survey Report dated July 2022 produced by Kedd Ltd. confirms that 29 sand martins were counted. Several other bird species are possibly breeding on site including tree pipit and cuckoo. A total of 25 species were recorded within the site during the breeding bird surveys. The proposed development has the potential to impact on four Red List Species (cuckoo, herring gull, grasshopper warbler and tree pipit) and seven Amber List species (dunnock, song thrush, rook, wren, whitethroat, woodpigeon and willow warbler). The Bird Report recommends that the removal of any vegetation should occur outside of the nesting bird season which usually takes place from late February to late August. In the event that this is not possible then all vegetation removal works should be preceded by a survey conducted by a suitably qualified ecologist, in order to check for nesting birds and to advise accordingly on the most appropriate way to proceed. Mitigation should include the planting of scrub such as bramble, hawthorn, blackthorn, elder and hazel as patches and hedges. The Bird report recommends a sand martin wall to be installed.

Cloddiau & hedges

The proposed extension area is agricultural fields with degraded hedges (mainly gorse) and cloddiau. The applicant has provided a PEA produced by Kedd Ltd. The hedges and cloddiau on the site will be destroyed by the quarry extension. To mitigate this it is important that once quarrying is completed that hedges and scrub is planted.

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Grasslands

Although the majority of the grasslands are agriculturally improved there are area where they are semi-improved and support several wildflower species. This habitat will be lost.

Wildlife Site

Wildlife Site: Minffordd South596 is a wetland to the west of the quarry directly adjacent to the proposed extension. The quarry will not be within the Wildlife Site but quarry may alter the flow of ground water which could impact the Wildlife Site by reducing the amount of water it receives. To ensure that this Wildlife Site I recommend hydrological monitoring.

Hydrology

Hydrogeological Impact Assessment produced by Hafrenwater November 2022. Sand and gravel extraction will be undertaken to approximately 1 meter above the water-table. A small watercourse and a spring are located close to the western boundary of the site, no other sensitive water features or abstractions are present within 500 m of it. Groundwater monitoring indicates that water features located immediately to the west of the site are partially groundwater-supported. Wetland to the west of proposed quarry extension. Extraction depths should not be deeper than the wetland to the west of the site.

Bats

The applicant has provided a Bat Activity Report dated February 2023 produced by Kedd Ltd. Surveys took place on 11 dates in 2020 and 2022. Bat Activity Surveys recorded Common Pipistrelle, Soprano Pipistrelle, Noctule, Myotis Bat (natterers and Daubenton's) Brown long eared. Bats were observed foraging within onsite pasture and also along the quarry boundary and linear scrub patches on the site. However, optimal foraging corridors were observed along the marshy grassland to the west of the site and also along the woodland to the north of the site boundary. The quarry extension will not cause the loss of bat roosts. The extension of the quarry will result in a loss of wildlife corridors and foraging habitats for bats. This must be mitigated by shrub and hedge planting in the restoration of the quarry.

HRA

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), Cyngor Gwynedd must undertake an assessment, before deciding to give consent for a project which is likely to have a significant effect on a SAC. The applicant has provided information to inform a HRA produced by

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Kedd Ltd. Dated Feb 2023 This HRA information assesses any likely significant effects (LSEs) on the Corysydd Eifionydd / Eifionydd Fens Special Areas of Conservation (SAC), Glynllifon SSSI and Cors Llanllyfni SSSI. The Cors Llanllyfni SSSI is part of Corysydd Eifionydd SAC is located approximately 1.2km to the south of the quarry. This site is predominantly wet heathland found to have internationally important moss species which include slender green feather moss. The hydrological assessment conducted in February 2022 by Hafrenwater Report Reference: 3013/HIA concluded the following, 'as the mineral extraction will be undertaken entirely above the water table, consequently, there will be no change in the groundwater level resulting from mineral extraction'. This report further states 'As no development is taking place below the water table, groundwater flow paths and elevations are predicted to remain unchanged following restoration'. This report then concluded by stating 'As it is considered that there is no risk posed to the water environment from the site post restoration, no mitigation measures are considered necessary'. It is therefore assessed that there will be no hydrological issues for any designated sites within 2km of the site boundary. The Glynllifon SSSI & SAC is located approximately 1.1km to the north of the site boundary. Glynllifon is designated for its population of Lesser Horseshoe Bats. No lesser horseshoe bats were recorded foraging within the site during the 2020 activity surveys and also within the automated static detector surveys. In addition, no lesser horseshoe bats were recorded during the May and June 2022 surveys and also during the May/June 2022 static detector survey. The HRA report produced by Kedd concludes that the proposed quarry extension will not have any likely, significant effects on the Corysydd Eifionydd / Eifionydd Fens Special Areas of Conservation (SAC), Glynllifon SSSI and Cors Llanllyfni SSSI; and I agree with this conclusion.

Restoration & Biodiversity Enhancement

The Environment Act (Wales) 2016 places a duty on all public bodies to enhance biodiversity and ecological resilience. The restoration plan shows that one field will be a species rich grassland. The details of how this is created and managed will be required. I recommend that a condition states that within 2 years of permission being granted that a biodiversity management plan be provided that details management for 25 years and must include traditional hay meadow management that excluded livestock from April until September to allow flowers to set seed and provided a nectar source for pollinators, and that the hay is cut and baled. Livestock grazing levels must be suitable for the enhancement of biodiversity. The restoration plan includes two ephemeral ponds, hedge planting and clawdd reinstatement. I recommend that the hedges are wide to create substantial wildlife corridors and are at least 2 meters wide. Pole mounted bat boxes. I recommend that the restoration plan

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include a cliff for nesting sand martins or Vivara Pro Sand Martin Wall as recommend in the Bird Report, reptile habitat suitable for hibernation. The applicant has provided a biodiversity metric, but this is not applicable to Wales. I recommend that an amended Restoration Plan is provided before this proposal is determined. It must be more detailed and include all the recommendations in the ecological reports. Recommend Planning Conditions:

1. Restoration – Before works for the extension of the quarry any works take place a final Restoration Plan must be submitted. It must include features for bats, reptiles, badgers, sand martins and habitats such as wildflower meadow, cloddiau, hedges, tree planting and pools and habitat management plan. Restoration must be completed to the satisfaction of the LPA.
2. Nesting Birds – Vegetation, shrub, tree clearance must not take place within the bird nesting period (1st March until 31st August) unless it can be proven in writing that such works will not damage nesting birds. Quarry faces with Sand Martin colonies must be not be damaged while birds nesting.
3. Reptiles – Removal of hedges and cloddiau and soil stripping must only take place under supervision of an ecologist.
4. Hydrology monitoring of Wildlife Site wetland and extraction depths and ground water levels. The hydrological monitoring reports must be provided to the LPA each quarter.

**Gwynedd Archaeological
Planning Service:**

Response received on 13/12/2023:

Thank you for the above consultation. Having reviewed the submitted information, this appears to be unchanged (in terms of archaeology and cultural heritage) since the pre-application consultation in November 2022. The Council was copied to our response to the PAC (our ref. 0105je/D3590.02, 5th January 2023), but I have attached a further copy for ease of reference.

Two key points raised in our PAC response were that the Heritage Impact Assessment (HIA) did not meet professional standards for an archaeological desk-based assessment and that post-excavation work arising from the trial trenching had not been undertaken and needed to be completed in order to understand what had been found. These points remain unaddressed. While the role of the HIA in the planning process has to some extent been superseded by the subsequent field evaluation, the post-excavation work (specifically radiocarbon dating) is important. Besides the risk of samples degrading, the dates of features may determine their importance and will inform on the potential for further associated evidence. We

Would therefore advise that this should be completed as soon as possible, regardless of the decision, in order to adhere to professional standards and conclude this phase of work.

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The application documents make various statements to the effect that extensive archaeology is unlikely to be present, or that the proposed development would not have a significant archaeological impact. These assertions are not supported by the evaluation results or by previous fieldwork in comparable locations. The evaluation has demonstrated the presence of archaeological remains at the site, the most significant of which is the probable later prehistoric enclosure (PRN 96890), which may reasonably be regarded as of

at least regional importance (based on similar examples in the region). This is located in the south-western corner of the Phase 2 area, extending into the existing consented area and a proposed screening bund. As such, the proposed development will result in substantial or total loss of this enclosure and any associated features. In the Phase 3 area, a gully possibly denoting a small settlement was recorded, and it is likely that additional deposits and pit-type features, which have not been identified by the work to date, will be present. These again may be provisionally expected to be of up to regional significance.

In light of the above, and in accordance with Planning Policy Wales 11 (February 2021) and TAN24: The Historic Environment (May 2017), it is recommended that, should the minerals planning authority be minded to grant planning permission, an appropriate programme of archaeological mitigation should be required. The following wording is suggested to secure such work:

(i) No development (including site clearance, topsoil strip or other ground works) shall take place until a written scheme of investigation for archaeological work has been submitted by the applicant (or their agent or successors in title) and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in accordance with the approved written scheme of investigation.

(ii) A detailed analytical report on the archaeological work required by condition (i) shall be submitted to the Local Planning Authority within 12 months of completion of archaeological fieldwork. The report must be approved in writing by the Local Planning Authority. Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2021 and TAN24: The Historic Environment.

2) To ensure that the work will comply with MORPHE/Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

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The archaeological mitigation programme should entail the archaeological strip, map and record of the site in advance of development activity, with full excavation of any remains identified and subsequent post-excavation stages as appropriate to the discoveries made. The investigation area should include the extent of intended extraction and ancillary activities with a 2m buffer, so as to record any archaeological deposits that would be impacted upon by temporary or permanent landscaping, soil management, and general construction/operational activity. If the archaeological mitigation will be completed in stages connected to the phases of extraction, each stage must be reported separately. This is to prevent loss of evidence through environmental decay and to ensure that the results are promptly entered into the public domain. The local planning authority may wish to modify the above suggested wording to allow the condition(s) to be discharged in phases as the development progresses: I am happy to discuss such an approach if needed. Please do not hesitate to contact me with any queries regarding the above.

**North and Mid Wales Trunk
Roads Agency:**

2nd Response received on 23/01/2024:

I refer to your consultation of 15/01/2024 regarding the above planning application and advise that the Welsh Government as highway authority for the A487 trunk road does not issue a direction in respect of this application.

1st Response received on 12/05/2023:

I refer to your consultation of 21st April 2023 regarding the above application and advise that the Welsh Government as highway authority for the A487 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application. The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The increase in vehicle movements will, as noted in one of the reports, increase at the junction to Cefn Graianog Quarry (Postcode LL54 6SY). At this junction there are quarry signs which may be in verge that is adopted highway, developer must therefore review if this land is adopted highway and propose alterations to signage if so (land ownership details not applicable). Developer must also submit proposals for this access to demonstrate how vehicles exiting the trunk road has priority over the cattle grid towards the quarry to vehicles coming from the quarry. This is so that large vehicles do not hamper free flow and visibility of the trunk road at this junction due to the development.

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Health and Safety Executive: No response received.

Language and Scrutiny Unit **2nd Response received on 11/01/2024:**

The applicant is encouraged to secure Welsh or bilingual signs on the site. There is no solid evidence to support the positive economic view. We would like to direct the developer to the website of the Welsh Language Commissioner and the Welsh Offer in order to assist them in creating a Language Scheme

1st Response received on 19/12/2023:

In order for the Unit to be able to offer a fair and balanced opinion on the application, we encourage the applicant to use the latest data that is now available from the 2021 census, and include a more detailed analysis, for example, by age groups for the study area.

Consideration should be given to resubmitting the updated assessment before submitting the application to a committee.

The applicant is encouraged to secure Welsh or bilingual signs on the site.

There is no solid evidence to support the positive economic view.

We would like to direct the developer to the website of the Welsh Language Commissioner and the Welsh Offer in order to assist them in creating a Language Scheme.

Public Consultations:

A notice was placed in the press, notices were placed in several locations close to the site and nearby residents were informed. The advertising period has expired, and comments were received noting;

- Signage for the quarry refers to the site as 'Penygroes Quarry' in English only that is contrary to Welsh language policies of the Welsh Government and Gwynedd Local Authority.
- Concerns about the assessment of potential impact of the quarry operations on local air quality.

5. Assessment of the material planning considerations

Principle of development

5.1 The principle of a lateral extension to an existing mineral operation is based on Strategic Policy PS 22 and policy MWYN 3 of the JLDP which support such developments to maintain the plan area's landbank. Strategic Minerals Policy PS 22, Policy MWYN 2 and Policy MWYN 3 of the Anglesey and Gwynedd Joint Local Development Plan 2011 (JLDP). Policy PS 22 states that the council will contribute to the continuous regional and local demand for a supply of minerals by

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maintaining a minimum 7-year land bank of Sand and Gravel and 10 years land bank of crushed rock aggregate reserves in line with national guidance.

5.2 The aim of Policy MWYN 2 is to provide ‘Preferred Areas’ to maintain a future provision (of mineral extraction to meet the need of the industry. The proposed extraction extension area falls entirely within an identified preferred area for supply of sand and gravel. The purpose of this policy is to facilitate the additional provision of sand and gravel reserves to meet the identified shortfalls highlighted by the North Wales Regional Technical Statement.

5.3 Policy MWYN 3 states that support will be given to mineral developments to maintain the plan area’s landbank where it can be demonstrated that the proposal complies with the following criteria;

1. There is no unacceptable harm to the amenity or health of local residents in terms of visual impact, levels of dust, noise, vibration, and light as a result of the operation itself or the resulting traffic movements;

2. There is a suitable buffer between mineral development and sensitive development;

3. There is no unacceptable harm to the stability and support of adjacent land;

4. The development is sensitively screened and landscaped;

5. The development will not have a significant adverse impact on sites of international, national, regional or local environmental, nature conservation, landscape and /or heritage importance;

6. The proposal does not sterilize or otherwise prevent the working of other significant mineral deposits;

7. There is no unacceptable harm to land drainage groundwater and water resources;

8. The proposal ensures that the potential use of the resource is maximised and there is satisfactory disposal of any waste arising from the mineral operation;

9. Where blasting is proposed, the proposal includes a scheme of blasting to demonstrate that it can be controlled to meet the conditions detailed in Mineral Technical Advice Note MTAN (Wales) 1: Aggregates, or any amendments;

10. The proposal includes a scheme for the after use of the site and details of the restoration and aftercare required to achieve it in accordance with Policy MWYN 9;

11. Wherever economically feasible, mineral waste or products should be transported by rail or water.

5.4 Planning Policy Wales Edition 11 (PPW) integrates the Welsh Government’s planning policies for minerals development which were previously set out in Minerals Planning Policy Wales (2001). In accordance with the requirement of PPW 11, Gwynedd Council as the Mineral Planning Authority has a duty to ensure that mineral resources are exploited in a sustainable way so that they can make an appropriate contribution to the area’s construction materials requirements. The key principles noted in the section 5.14 (Minerals) of the PPW are;

- Provide positively for the safeguarding and working of mineral resources to meet society’s needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;

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- Protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
- Reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and
- Achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.
- Amongst other objectives, Planning Policy Wales recognises that mineral working is different from other forms of development in that extraction can only take place where the mineral is found to occur, and that the development is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time.

5.5 Gwynedd Council, along with all of the Welsh Authorities have endorsed the Regional Technical Statement (RTS) produced by the North Wales Regional Aggregates Working Party (NWRAP). The statement has been prepared in accordance with the provisions of the Minerals Planning Policy (Wales) and Technical Advice Note (Wales) 1: Aggregates (MTAN1), to set out an overarching objective to ensure a sustainable managed supply of aggregates;

5.6 “... so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interest of acknowledged importance”.

5.7 The main purpose of the Regional Technical Statement is to set out the strategy for the provision of the aggregates in the North Wales region. The 2021 RTS identified an existing permitted reserve of sand and gravel in Gwynedd of 1.175 million tonnes (an equivalent of 6.7 years landbank) with a shortfall of shortfall and minimum allocation needed to meet required provision of 2.659 million tonnes.

5.8 The proposed extension would release around 792,803 tonnes of sand and gravel in addition to the 298,000 tonnes remaining within the existing permitted extraction area (giving a total of 1.1 million tonnes extracted from the site). Therefore, the proposal will provide additional mineral and a reduction in the shortfall in existing reserves landbank within the plan area as required by Strategic Policy 22: Minerals, MWYN 2 and MWYN 3 of JLDP. In addition to the principle of the need for the development, the essential planning issues in this case are addressed in the following chapters.

Visual amenities and landscape

5.9 The Cae Efa Lwyd site is located immediately west of Penygroes with the proposed extraction area extending northwards. The application does not fall within any landscape designations and is area predominately characterised by the village of Penygroes to the East enclosed agricultural land and scattered dwellings. Nearby landscape designations include the ‘Nantlle Valley’ Landscapes of Outstanding Historic Interest (LOHI) (60m east), Special Landscape Area of the ‘North Western fringes of Snowdonia’ (900m east), Area of Outstanding Natural Beauty (AONB) (2.3km south west), UNESCO World Heritage Site ‘Slate landscapes of North West Wales’ (2.8km east).

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- 5.10 A Landscape and Visual Impact Assessment (LVIA) has been included within the submitted Environmental Statement. As mentioned above the site does not fall within any statutory landscape designations but entirely is located entirely within the Caernarfon Coast & Plateau Landscape Character Area (LCA) which extends from Clynnog in the south to Bangor in the north. The area comprises of rolling pasture between the coastal lowlands and rising foothills of Snowdonia, separated by shallow west-flowing valleys with field boundaries consisting of a mix of woodland, stone walls, and hedges in varied state of repair.
- 5.11 In addition to these designated landscape assets, the LVIA has incorporated the undesignated landscape assets of the area surrounding site within the assessment. Prior to assessing any potential impact on the landscape, the current value, sensitivity and susceptibility of these sites has been determined.
- 5.12 The primary landscape effects and changes from the development will include gradual reduction in land level, mobile operating in quarry, 5m high soil screening bund along eastern boundary, restoration of site to ground below original levels and to a wildlife enhanced agricultural land.
- 5.13 The LVIA has identified receptors in the immediate surrounding areas will receive the greatest adverse effect, specifically, during the operational period. This is due to the progressive extraction of mineral that will alter the landform. Areas from higher ground will also be affected during operational period, however, the combination of distance and broad panoramic from these areas will reduce the magnitude of effect.
- 5.14 Drawing 'No. KD.PEN.D.006A' details the concept restoration scheme of the site to agricultural land and wildlife habitat. The scheme incorporates;
- Undisturbed grazing land;
 - Reinstated grazing land;
 - Agriculturally managed Species Rich Grassland;
 - Native tree and shrub planting;
 - Ephemeral surface water Ponds; and
 - Native hedgerows / hedgerow trees and reinstated Clawdd/Cloddiau.
- 5.15 The LVIA also states that the post restoration level of visual impact will be neutral or beneficial with no adverse view to receptors.
- 5.16 A conceptual restoration scheme has been produced indicating intention to reinstate agricultural land and wildlife habitat. This will include undisturbed and reinstated grazing land, species rich grassland, native tree and shrub planting, water ponds, hedgerows and cloddiau. The vehicular access will be retained for agricultural and land management access and the site will be subject to a 5-year aftercare and management plan.
- 5.17 Concerns have been raised by the Soil Policy & Agricultural Land Use Planning Unit (Welsh Government) about the practicality of restoring the site to the Most Versatile (BMV) Agricultural Land and issues relating to ground water. Matters surrounding ground water have been resolved and are discussed below in the Hydrology chapter.
- 5.18 The Soil Policy & Agricultural Land Use Planning Unit consider that the land is considered Grade 3 (a and b) in the Agricultural Land Classification to be the appropriate standard of land in this case and 0.81ha of the this is to be lost. Paragraph 3.59 of the PPW states "*When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an **overriding***

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need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”

5.19 As discussed above, there is an overriding need for the development to occur to meet demand (as supported by local and national planning policies) as mineral can only extracted can only take place where the mineral is found to occur. The Soil Policy & Agricultural Land Use Planning Unit have provided a schedule of conditions for agricultural conditions restoration and agricultural aftercare.

5.20 It is considered therefore that, subject to a detailed restoration scheme and scheme of aftercare to be agreed under planning condition, there will be sufficient mitigation for the potential visual & landscape impacts of the development and complies with the requirements of Strategic Policies PS 19, PS 20 and Policies AMG 3, MWYN 3 & MWYN 9 of the Gwynedd & Môn Joint Local Development Plan.

General and residential amenities

5.21 Policy MWYN 3 of the JLDP states that extensions to existing mineral sites will be acceptable subject to no unacceptable harm to the amenity or health of residents in terms of visual impact, levels of dust, noise, vibration, and light as a result of the operation itself or the resulting traffic movements.

5.22 MTAN 1 Wales; Aggregates recognises that there is often a conflict between mineral workings and other land uses and has established the principle of buffer zones around permitted and allocated mineral extraction sites. The objective of a buffer zone is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance. MTAN 1 further recommends that a minimum distance of 100 metres should be adopted for sand and gravel extraction sites and that development plans should indicate the boundary of a buffer zone for each mineral working.

5.23 Both Minerals Planning Policy Wales and MTAN1: Aggregates have established the principle of buffer zones around mineral extraction sites, where the objective is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Sensitive development is defined in MTAN1 as; “any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity is expected”. A buffer zone is defined from the outer edge of the operational area, including site haul roads and lagoons. MTAN1 recommends a minimum distance of 100 metres for sand and gravel operations and others where no blasting is permitted.

5.24 The Welsh Government have taken the stance that unless there are justifiable reasons for reducing this distance, the buffer zones should be adopted. At this particular site, the existing permitted workings were subject of a ROMP (agreed/permitted in 2017) that raised issue that there was a clear conflict with national and local planning policy in respect of the buffer zones. Residential properties are located within 100m of the original workings, however, the principle of quarrying the site had already been established through grant of planning permission. The proposals subject of this application intend to extend the site in a northerly direction, away from residential properties and outside of the 100m buffer zone. Given the separation distance, and the evidence to demonstrate that site already operates without detriment to amenity, under the terms of planning conditions and/or environmental permits it is considered that the proposal complies with policy PCYFF 2 and MWYN 3.

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5.25 Issues relating to noise, vibration and air quality are discussed in further detail below.

Noise and vibration

5.26 The noise assessment submitted has considered the operational noise associated with the proposed development to extend the site and the noise impacts to the nearest sensitive receptors at a worst-case scenario of all activities operating concurrently. These results have then been compared against the noise limits set out in the guidance.

5.27 A baseline sound survey was undertaken over a continuous period including weekdays and weekends at the nearest noise sensitive sites. The assessment undertaken has considered both extraction operations and the transporting of material from site. The assessment concludes that based on a limit of 10dB(A) (above prevailing background noise in line with MTAN 1 guidance) the predicted noise levels would have an impact level and significance of effect of 'None'. Section 4.2 of the assessment numerous mitigation measures so as to reduce or alleviate any noise generated on site, these include;

- *Activities within the site would be undertaken in locations where noise attenuation from existing landforms would maximise the benefit to the noise-sensitive properties; avoid unnecessary revving of engines and switch off equipment when not required;*
- *Internal haul routes would, wherever possible, be routed such that separation distances to the noise sensitive properties is maximised;*
- *Use rubber linings in, for example, chutes and dumpers to reduce impact noise;*
- *All haul roads would be kept clean and maintained in a good state of repair to avoid unwanted rattle and "body slap" from vehicles;*
- *Start-up plant and vehicles sequentially rather than all together;*
- *All mobile plant and heavy goods vehicles entering the site will move in a circular pattern to minimise, as far as is practical and safe, noise from reverse warning systems;*
- *Plant would be operated in a proper manner with respect to minimising noise emissions, for example, minimisation of drop heights and no unnecessary engine revving;*
- *Plant would be subject to regular maintenance.*
- *All plant at the site would be fitted with effective exhaust silencers and would be maintained in good working order to meet manufacturers' noise rating levels. Defective silencers would be replaced immediately;*
- *Plant that is used intermittently, would be shut down when not in use; and*
- *Pumps, generators and compressors would be located behind existing screening mounds or landform, would be electrically powered and fitted with an acoustic cover where necessary. Diesel powered pumps, generators and compressors, if used, will be installed within acoustic enclosures.*

5.28 Consultation was undertaken with the local authority's Public Protection Unit for comments on the contents of the assessment and proposal. They accept the conclusion of the assessment subject of conditioning the mitigation measures, use of white noise reversing alarms and retention of the acoustic barrier and bund along the south eastern boundary of the site.

5.29 Subject to the appropriate conditions it is considered that the proposal complies with the relevant policies of MWYN 3 and PCYFF 2 of the JLDP.

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Air Quality and dust

- 5.30 Air quality impacts (specifically dust) deriving from operations associated with the proposed extension on local receptors have been assessed in chapter 9 of the ES and accompanying dust impact assessment. The dust impact assessment has assessed the potential impacts from particulate matter arising from onsite operations with regard to PM₁₀ and PM_{2.5} particulate matter.
- 5.31 The assessment concludes that there is little potential for the proposed operations to cause a breach in air quality standards.
- 5.32 Concerns were raised by Public Health Wales regarding management of air quality however, the local authority's Public Protection Unit have been reviewed the contents of the dust impact assessment and agree with its conclusion of negligible effects. Conditions relating to an updated 'Dust Monitoring and Control Scheme' following specific levels of air quality, limits on dust nuisance, air quality monitoring/dust survey in the event of complaints, wheel wash facility and sheeting of vehicles (laden with mineral less than 100mm dimension).
- 5.33 Subject to the appropriate conditions it is considered that the proposal complies with the relevant policies of MWYN 3 and PCYFF 2 of the JLDP.

Traffic matters and Public Rights of Way

- 5.34 Policy TRA 4 of the JLDP states that *"Proposals that would cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks including pedestrian and cycle routes, public rights of way and bridle routes, will be refused. The degree of unacceptable harm will be determined by the local authority on a case-by-case basis."*
- 5.35 The site would continue to utilise the vehicular access developed under planning permission C17/0455/22/LL with a proposal to increase the maximum rate of HGV loads leaving the site to 25 (from 20 currently conditioned). The loaded HGVs will transport an average payload of 20 tonnes to Cefn Graianog Quarry where the material will be processed. The site's vehicular access is onto Ffordd Clynnog (a class 3 Highway) that links to the A487 Trunk (approximately 380m distance).
- 5.36 Cyngor Gwynedd's Transportation Unit have confirmed that they do not object to the proposed increase in daily traffic movements. The North and Mid Wales Trunk Road Agency (NMWTRA) originally placed a holding direction on the application to the location of a sign on a highway verge and junction arrangements (near Nasareth) from the A478 Trunk Road and unclassified road to Cefn Graianog Quarry. Although the site (Cae Efa Lwyd) operator/applicant intend to carry the mineral for processing at the Cefn Graianog site, there is no guarantee or requirement specifying the next destination of the extracted material (nor can this be conditioned). The NMWTRA confirmed on the 23/01/24 that they no longer issued a direction in relation.
- 5.37 The closest Public Right of Way (PROW) to the site is PRoW Llanllyfni 37 that skirts around north-eastern corner of the application boundary. Consultation with the PRoW officers confirmed that they are of the opinion that no routes will be affected by the proposal.

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5.38 To this end, it is considered that the proposal poses no risk to the highway network and accessibility of footpaths and complies with Strategic Policy PS 4 and TRA 4 of the JLDP.

Hydrology and Hydrogeology

5.39 The application has been accompanied by a Hydrological Impact Assessment (HIA) and Flood Consequences Assessment (FCA).

5.40 During the initial consultation period Natural Resources Wales (NRW) raised concerns regarding compliance with working above the water table and surface water runoff. Further information shared by the agent via e-mail on the 16/10/2023 confirmed the existing groundwater monitoring is undertaken by a network of boreholes. The agent confirmed that during operations, ground level pegs and levels boards are set in the ground to ensure that work remains at approved levels and have offered to supply annual topographical surveys to ensure that approved levels are adhered.

5.41 The HIA supplied by Hafren Water confirmed that operational and restoration landform will slope inwards to ensure retention of surface water runoff in addition to the 1m of sand and gravel retained above the water table retained that will act as a soakaway. NRW have confirmed that the additional information submitted is acceptable and are satisfied that any effects from the development can be controlled by inclusion of a condition(s) and advise that any breaches should be reported immediately to the LPA and NRW.

5.42 The Environmental Statement (supplemented by the HIA), states that mitigation measures for accidental spillages to watercourses will include;

- *Fuel will not be stored on-site. Fuel bowsers will only be on-site to facilitate refuelling and will be double skinned and/or bunded;*
- *All plant will be maintained in accordance with best practice and manufacturer's specification. Where possible, all maintenance will be undertaken off-site;*
- *Written procedures will be in place for responding to accidental spillages of hydrocarbons, which will minimise the risk to the environment. A copy of the Safe System of Works is presented in Appendix 3013/HIA/A4 of Technical Appendix F.1; and*
- *Spills kits will be available for use on-site in the unlikely event that a spillage occurs.*

5.43 Previous mitigation measures conditioned as part of the agreed ROMP will be reinstated for the proposed extension. These include;

- *A small bund established around the periphery of the site will contain any surface water to within the quarry and which will be allowed to dissipate and drain naturally through the in situ mineral via a soakaway whilst the site is in operation. The soakaway will be retained as part of the restoration proposals within the north western void of the quarry which will provide an ephemeral water body with additional advantages for wildlife.*
- *A drain will be installed alongside the access roads to contain the run off from the road.*
- *Appropriate measures will be put in place to ensure that the fuel stores, leakages from machinery or any other sources of pollution are controlled to ensure that pollution does not reach ground water.*
- *Fuel will not be stored on site. All fuel will be transported from Cefn Graianog in a bowser when required. Ellesmere Sand and Gravel have a set procedure for refuelling. The fuel bowser will be; double skinned, can be securely locked, has an on-board spill kit, auto stop nozzle fitted, does not have a drain fitted to either the inner or outer tank and can therefore only be emptied by pumping.*

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- *Only minor maintenance / servicing of plant and machinery will be carried out at Penygroes. All major work would be removed to Cefn Graianog and tasks performed there where the facilities are located.*

5.44 Additionally, NRW's statutory guidance on pollution prevention measures include;

- Plant and wheel washing to be carried out in designated hard standing area at least 10m from any watercourse or surface water drain.
- Run off to be collected in sump and recycled and reused if possible.
- Settled soils to be removed regularly.
- Discharge of contained water to foul sewer where possible with prior permission from local sewerage provider.

5.45 The site is located within 'Zone A' of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (TAN 15). Zone A is described as "Considered to be at little or no risk of fluvial or tidal/coastal flooding" and a justification test is not applicable.

5.46 It is considered that the any surface and ground water issues can be managed accordingly subject to the relevant conditions and complies with the requirements of policies MWYN 3 and PCYFF 6 of the JLDP.

Ecological and biodiversity matters

5.47 The site does not fall within any ecological/biodiversity related designations and is primarily comprised of agriculturally and semi-improved lowland grassland. The closest protected sites include Wildlife Site 'No. 596 Minffordd South' immediately west of the site, Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) 'Glynllifon', located approximately 1km north and SSSI 'Corsydd Llanllyfni' and SAC 'Corsydd Eifionydd' located 1.2km south.

5.48 Technical documents submitted with the accompanying ES include; Preliminary Ecological Appraisal, Breeding Bird Survey Report, Reptile Survey Report, Bat Activity Survey Report, Badger Survey Report, Habitats Regulations Assessment and Biodiversity Net Gain Report.

5.49 The council's ecologist noted that during an inspection in February 2023 a mitigation badger sett subject of a previous planning permission was in a poor state of repair and requested that works to provide fencing, locked gate and tree planting around the badger sett be completed. In July 2023 this work to replace the fencing and gate around a vacant artificial sett was carried out and a specification of proposed planting and monitoring was provided. The Badger Survey Report submitted found two outliner badger setts located beyond the extraction areas and a recommended 30m standoff will be implemented for their protection.

5.50 Reptiles were not recorded during the survey of the site. The Council's Ecologist advises that although reptiles were not recorded, it should be considered likely that this does not guarantee their absence (as there are recent records of reptiles in the surrounding area). The report recommends that as there is potential for reptiles to be moving through the site to adjacent habitats, that all soil stripping works is conducted with a suitably qualified ecologist conducting fingertip search prior to works and translocate any reptiles found beyond the site. The council's ecologist has confirmed agreement with this approach.

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- 5.51 The Breeding Bird Survey Report has confirmed that 25 species of breeding birds were counted and recommends the removal of vegetation outside of the nesting season (February-August). If this approach is not possible, then it is advised that vegetation removal should proceed subject to surveys by suitably qualified ecologist to check for nesting bird and advise works accordingly. Mitigation measures proposed include a Sand Martin wall, planting of scrub (Bramble, Hawthorn, Blackthorn, Elder and Hazel) as patches and hedges.
- 5.52 Various bat species were recorded during the Bat Activity Surveys observed onsite and along the boundaries. The extension to the site will not result in the loss of bat roosts but will result in the temporary loss of wildlife corridors for foraging bats. Mitigation recommendations are for shrub, hedging and cloddiau to be reinstated during restoration.
- 5.53 Whilst the restoration concept for the site provides scope for rough grazing and biodiversity, it is considered that a detailed scheme of aftercare should be submitted for the approval of the mineral planning authority prior to the commencement of development on site to specify the best use of soil resources on site together with aftercare, soil handling and husbandry of the restored area. Restoration plan should include compensation measures for the impact of the development proposals on biodiversity including badgers, reptiles, invertebrates, lowland acid grassland & sand habitat and restoration of cloddiau & hedgerows.
- 5.54 Other conditions will include a restriction of vegetation, shrub, and tree clearance to avoid nesting periods, removal hedges and cloddiau to be undertaken with the supervision of qualified ecologist and hydrology monitoring of wildlife site 'No. 596 Minffordd South' wetland, extraction depths and ground water levels to be provided on a quarterly basis.
- 5.55 On 7th February 2024, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which deals with green infrastructure, net worth to biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. The changes to PPW have been considered, however, in this case, they do not raise any new matters that have any material influence on the recommendation.
- 5.56 In consideration of the above, the proposal is acceptable subject to the appropriate mitigation measures and complies within policies AMG 5, AMG 6, PS 19 of JLDP and TAN 5.

Habitats Regulation Assessment

- 5.57 Under regulation 63 of the Habitats and Species Regulation 2017 the applicant has provided a Habitats Regulations Assessment (HRA) as the proposal is within approximately 1.2km of the SSSI 'Corsydd Llanllyfni' and SAC 'Corsydd Eifionydd / Eifionydd Fens' and 1km of the SSSI and SAC of 'Glynllifon'.
- 5.58 As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), Cyngor Gwynedd must undertake an assessment, before deciding to give consent for a project which is likely to have a significant effect on the designations. The Biodiversity Unit have screened the proposal and concur that there are not likely significant effects (LSE) on any of the qualifying habitats within the SAC or SSSI from the water environment as extraction is to be above the water table, surveys indicated an absence of bat activity at the site and cumulative effects with other nearby developments.

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Archaeology and cultural heritage

- 5.59 Policies PS20 and AT 1 of the JLDP and TAN 24: The Historic Environment places a duty on local authorities to assess the impacts of new developments on heritage assets and archaeological matters. Chapter 10 of the ES addresses Archaeology and Cultural Heritage and supporting works including a Heritage Impact Assessment (HIA), Geophysical Survey and Trial Trenching has been undertaken.
- 5.60 A desk-based survey (include within the HIA) has been undertaken to identify designated heritage assets in the vicinity of the application area, the closest being Cae Efa Lwyd farmhouse and cowshed (Grade II Listed Buildings), Eglwys Sant Rhedyw (Grade II Listed Building), Penybryn Mawr standing stone (Scheduled Ancient Monument). The HIA concludes that the proposal will not have adverse impact on any designated heritage features in the vicinity.
- 5.61 In accordance with a Written Scheme of Investigation (WSI) the Geophysical Survey was conducted to assess the archaeological resource within the proposed development area. The chapter provides potential mitigation measures including identification and recording of archaeological features within the proposed extraction area and to avoid the prehistoric circular enclosure entirely.
- 5.62 Gwynedd Archaeological Planning Service (GAPS) have reviewed the submitted information and have provided comments and recommended conditions. As outlined in their response to the pre-application consultation process, there were concerns that the HIA did not reach a professional standard for an archaeological desk-based assessment. Additionally, the assertion that ‘extensive archaeology’ is unlikely to be present is not supported by the evidence submitted. There is presence of archaeological remains (specifically a potential for prehistoric enclosure and small settlement) that are located partially within the extraction area.
- 5.63 GAPS do not object to the application subject to the following conditions being imposed (if minded granting permission);
- Submission of written scheme of investigation for archaeological work prior to the development implementation (extension) and work completed in accordance with submitted scheme.
 - Submission of detailed analytical report of the archaeological work required by 1st permission with 12 months of completion of works.
- 5.64 Subject to these conditions and mitigation measures, it is considered that the proposal will have no significant impact on designated and undesignated heritage assets and therefore, complies with policies PS20, AT 1 and AT 4 of the JLDP.

The Welsh language

- 5.65 Criterion 1 (a) of strategic policy PS 1 *'The Welsh Language and culture'* notes that a Welsh Language Statement will need to be provided with a proposed "retail, industrial or commercial development which employs more than 50 employees and/or has a floor area of at least 1,000 m sq. or more".
- 5.66 In response to this need, the applicant has provided a Welsh Language Statement. Chapter 6 of the statement has assessed the potential effects of the developments on the language and community based on language and population movement; visual elements; quality of life and community infrastructure; employment.

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- 5.67 Chapter 7 of the statement concludes that there is an established workforce at Cae Efa Lwyd (and Cefn Graianog Quarry) that are Welsh speakers. The proposal would help sustain and operations and maintain the current workforce and there is no requirement of an inward migration of workers.
- 5.68 A single objection was received during the course of the public consultation in relation to the signage of the quarry. The signage in question refers to the site as ‘Penygroes Quarry’ exclusively in English. Criterion 5 states that *“The Councils will promote and support the use of the Welsh language in the Plan area. This will be achieved by... Expect that Welsh names are used for new developments, house and street names”*.
- 5.69 Further guidance is provided in C31 of the SPG ‘Maintaining and creating distinctive sustainable communities’ that state’s; *“criterion 5 of Policy PS 1 encourages developers to use Welsh place names for developments, new house and street names in order to strengthen the linguistic character of communities... Using a new name that derives from historical, geographical or local links to the area would be a good idea. If the existing name is an original one or has been the name of the property for a number of years, particularly if it is a Welsh one, the Council will ask the applicant to reconsider the new name, even if the proposed new name is a Welsh one. However, the final decision lies with the owner.”*
- 5.70 Given that the application site’s name (Cae Efa Lwyd) is linked with nearby historic Cae Efa Lwyd Fawr farmhouse, it is considered reasonable to request the applicant to consider this to be displayed as the sites name. Alternatively, if this is not agreed then a condition requiring the display of Welsh version of the site’s name will be placed on the permission.
- 5.71 The Council's Language Unit have given comments recommending that the site uses bilingual signage and that they do not consider there to be no evidence of a positive economic view. Based on the nature of the application and evidence to hand, it is not considered likely that the proposal would have a negative impact on the Welsh Language. It is therefore considered that the proposal conforms with policy PS 1 and the guidance contained within the SPG Marinating and creating distinctive and sustainable communities.

The economy

- 5.72 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.
- 5.73 The proposal is critical to supply additional mineral to Cefn Graianog quarry. The company makes a direct and significant contribution to the local economy and direct/indirect employment as a result of 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.
- 5.74 Therefore, it is considered that the proposal would make a positive impact of the economy of the area and accord with policy PS 13 of the JLDP and TAN 23.

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6. Conclusion:

- 6.1 This is an application for an extension to the extraction area of the Cae Efa Lwyd sand and gravel pit. As discussed above, the principal of a lateral extension and increase in HGV movement from the site is acceptable and supported by local policies MWYN 2, MWYN 3 and PS 22 of the JLDP and nationally by MTAN 1.
- 6.2 Due to the location, scale and well-established controls regarding noise, dust and environmental matters it is considered that it is unlikely for the development to result in any adverse effect to visual and residential amenities.
- 6.3 The main ecological issues relate to mitigation measures to protect badgers, nesting breeding birds and reptiles. Both NRW and the local authority's Biodiversity Unit have confirmed that the proposal is acceptable subject to relevant conditions will ensure compliance with policy AMG 5 of the JLDP and TAN 5.
- 6.4 Conditions relating to archaeological works will ensure that the proposal is adequately mitigated against causing detrimental harm to heritage assets or designations, therefore, complying with policies PS 20, AT1 and AT 4 of the JLDP.
- 6.5 The development will result in an increase of 5 HGV loads per day (to a total of 25). No objections have been raised in relation to the increase of HGV movements from the site and the access arrangements. It is considered that the proposal will have no effect on highway safety or proposed highway. The proposal therefore complies with TRA 4 of the JLDP.
- 6.6 The development would have a minor positive impact on the Welsh language by securing and maintaining employment locally and it is considered that the proposal complies with policy PS 1 of the JLDP.
- 6.7 The proposed development, therefore, complies with all relevant planning policy and considerations and it is recommended that planning permission is granted subject to conditions.

7. Recommendation:

- 7.1 To delegate powers to the Head of the Environment Department to approve the application, subject conditions relating to the following:
1. 5-years
 2. Duration of works – 10 years at 125tpa
 3. In accordance with plans
 4. Restriction of GPDO rights for buildings, structures, private ways, floodlighting, fencing etc.
 5. Copy of determination and approved plans to be shown at site office.
 6. Restriction to 125,000 tonnes per annum removed from site at a maximum rate of twenty-five (25) HGV loads per day.
 7. Surface of site access to county highway to kept clean and no mud/debris to be deposited on highway.
 8. No materials shall be imported to site (Refuse or waste materials).
 9. Mark boundary of site and mineral extraction zones.
 10. Hours of working. No operations on Saturdays, Sundays or Bank & Public Holidays other emergency, servicing, maintenance.
 11. All loaded vehicles to be sheeted or treated to avoid emission of dust.
 12. Record of traffic.
 13. No processing on site.
 14. Noise limits and noise limits in relation to temporary operations.

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15. Noise mitigation measures.
16. Acoustic fencing retained and bunding retained.
17. Vegetation, topsoil, subsoils to be stored in acoustic screening bund.
18. Noise monitoring.
19. Air quality limits and Air quality monitoring.
20. Dust mitigations measures and updated dust monitoring and control scheme.
21. Boundary of mineral extraction area temporarily fenced.
22. Groundwater monitoring.
23. Detailed Submission of written scheme of investigation for archaeological work.
24. Submission of detailed analytical report of the archaeological work required by WSI.
25. oration plan.
26. Storage/management of soils.
27. No soils to be removed from site and kept in to be employed in restoration.
28. Soil storage mounds to be kept free from weeds.
29. Submission of restoration and 5-year aftercare plan.
30. Restoration subject to 5-year aftercare and monitoring scheme.
31. Ripping of ground to avoid compaction.
32. Correct sequence and spread of soils in restoration.
33. Chemical analysis of soils during restoration.
34. No livestock to be kept until land is of an acceptable condition.
35. Annual review of operations and aftercare.
36. Revised scheme of restoration to be submitted to the LPA in the event of premature cessation of mineral extraction for a period of 12 months.
37. Mitigation measures for badgers, breeding birds, reptiles.
38. Restriction on removal of vegetation during bird nesting season.
39. RAMs to protect reptiles during demolition of walls and field boundaries.
40. Pollution prevention measures.
41. Collection and disposal of water to restrict release to water environment.
42. Compliance with surface water management plan.
43. Condition to identify the site by its Welsh name