

PLANNING COMMITTEE	DATE: 24/06/2024
REPORT OF THE ASSISTANT HEAD OF ENVIRONMENT DEPARTMENT	

Number: 1

Application Number: C22/0136/03/AC

Date Registered: 23/02/2022

Application Type: Vary Condition

Community: Ffestiniog

Ward: Teigl

Proposal: Application under Section 73 to vary condition 2 on planning permission 5/59/500 (Extension of Slate Quarry and Realignment of Quarry Roads) so as to extend the time for the winning and working of material to 2048 at Cwt y Bugail Quarry, Cwm Teigl, Llan Ffestiniog

Location: Manod Quarry, Llan Ffestiniog, LL41 4RF

Summary of the Recommendation: APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application under Section 73 of the Planning Act 1990 to vary condition 2 on Planning permission 5/59/500 (Extension of Slate Quarry and Realignment of Quarry Roads) to extend the time for the winning and working of material to 2048 at Cwt y Bugail Quarry (Manod).
- 1.2 Cwt y Bugail Quarry is located on the Manod Mawr ridge and comprises of the quarries of Manod, Graig Ddu and Bwlch y Slater. Vehicle access to the site is gained along an unclassified public highway than climbs from the village of Llan Ffestiniog that winds its way through Cwm Teigl. The quarry includes a processing and stocking area located on a platformed area (created with tipped slate waste) on the eastern slopes of the mountain. The processing area includes cutting sheds, stocking area, fitting sheds, staff car park, office, and welfare facilities.
- 1.3 A haul route ascends from the processing area onto the ridge and around the quarry void onto where access can be gained to the working faces and the waste tipping area on the western boundary of the site.
- 1.4 The quarry processing area, cutting sheds, workshops, staff car park and other associated infrastructure to the east of the quarry void are not included within planning permission 5/59/500. However, the related Section 106 Agreement is relevant to the whole site and ensures that restoration proposals are implemented.
- 1.5 The cumulative area of the quarry workings covered by the planning application is more than 25ha and therefore exceeds the threshold of Schedule 1 developments under 'The Town and Country Planning (Environmental Impact Assessments) Regulations 2017'. An Environmental Statement (ES) has been submitted as part of an Environmental Impact Assessment (EIA) in response to this requirement.

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

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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

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:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 – February 2024)

Mineral Technical Advice Note 1 (MTAN) Aggregates

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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:

- 5/59/500 'Extension of slate quarry and realignment of quarry roads' approved with conditions on 12/09/2005.
- 5/59/2A 'Extension of limits of surface extraction of slate quarrying' approved with conditions on 29/03/1991.
- 5/59/C2 'P
- permitted with conditions on 15/12/1989.
- 5/59/C1 'New slate sawing sheds' approved as permitted development.
- 5/59/C1 'Proposed maintenance sheds' – approved (permitted development) on 17/06/1986.
- P.I.A.W. 5/14/278 'Erection of slate dressing mill (amended proposal) Manod Slate Quarries, Ffestiniog' approved with conditions 28/09/1978.
- P.I.A.W. 5/14/278 'Detailed plans for erection of slate dressing mill. Manod Quarry, Ffestiniog' permitted with conditions on 29/03/1978.
- 5/14/278 'Outline application for erection of slate dressing mill, Manod Slate Quarry, Ffestiniog' approved with conditions on 29/03/1978.
- 1108/9/1 (U Ffes 98) 'Mineral operations' granted unconditionally; however, by virtue of the 1981 Minerals Act there is a mandatory end date of 22/02/2042.

4. Consultations:

Community Council:

Response received on 10/03/2022:

Mae Cyngor Tref Ffestiniog yn cefnogi'r cais hwn. Un pryder a godwyd oedd cynlluniau'r cwmni i ddychwelyd yr safle yn ol i'w stad naturiol gwreiddiol. Tybed a oes modd i'r cwmni gychwyn ar y gwaith hwinnw rwan ar tomenni sydd wedi gorffen â nhw? Teimlwyd byddai cychwyn y gwaith hwinnw rwan ar darnau o'r safle sydd yn segur, yn lleihau'r baich ar y cwmni i'w gwblhau yn 2048.

The Ffestiniog Town Council support this application. One concern that was the company's plans to convert the site back to its original natural state. It was questioned whether the company could commence restoration works now with any slate heaps that are unused? It was felt that commencing the restorations on parts of the site that now stand desolate, to minimise the major restoration works needed to be completed in 2048.

Transportation Unit:

Public Rights of Way Unit

Response received on 04/05/2022:

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Comments – *I refer to the above application. It does not appear that there are any Rights of Way recorded that will be affected by this proposal.*

Comments- Must ensure that public path Ffestiniog number 54 is looked after during and after this development.

Natural Resources Wales:

Response received on 05/05/2022:

Thank you for consulting us on the above application, which we received on the 25th of February 2022. 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 protected landscape. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Landscape

We have reviewed the planning proposal in regard to effects upon landscape character, visual amenity and tranquillity of Eryri National Park (ENP). The application seeks to extend the period of winning and working of minerals to the 31st of December 2048. This planning submission requires consideration of changes in the landscape baseline, planning policy and the adequacy of the proposals and previously approved restoration proposals in their support of:

- PPW11 conservation and enhancement of Eryri National Park; and
- Eryri National Park Development Policy 1: General Development Principles (1)

The landscape and visual context

The boundary of the ENP was drawn to exclude Manod quarry, but elements of associated development affect the character of ENP. The head of Cwm Teigl and Migneint have a wild, upland landscape character with strong natural beauty qualities (ruggedness, extensive natural landcover, remote from settlement) as illustrated in SLR's landscape and visual assessment viewpoints 4, 5, 6 and 7.

The quarry itself is visually contained with the exception of quarried faces along the skyline. The LVIA focusses on the quarry area and the spoil tips to the east of the quarry, which form a major skyline landform feature within views from Blaenau Ffestiniog. The spoil tips and a platform of made ground used for the existing plant site to the east of the quarry visually influence the ENP. The approved restoration plan provides no information on how this area would be restored beyond the removal of buildings.

The hills in this area are Open Access land. The access road from Llan Ffestiniog to the quarry is now shown as a right of way on O/S mapping. Walkers have the potential to see the Bwlch as a useful

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crossing point in making journeys between northern and southern Snowdonia. The public (visual and sensory receptors) are highly likely to visit this part of Snowdonia.

The scheme effects.

From our analysis, there are existing adverse effects upon the character, visual amenity, and special qualities of ENP:

- Operational noise effects upon tranquillity, from lorry movements, processing and blasting.
- The visual effects of slate spoil tips, access tracks, quarried faces and the plant site in a remote and wild upland landscape with strong natural beauty qualities (ruggedness, extensive natural landcover, removal from settlement) as illustrated in SLR's landscape and visual assessment photographs for viewpoint 4, 5 and 6.

Assessed effects on tranquillity

The effects upon tranquillity have been assessed within two reports – SLR's landscape and visual section 6 which considers the qualitative effects upon public perceptions of this special quality; and SLR's noise and vibration section 10, which considers the quantitative impact of noise.

SLR's landscape and visual section 6:

The assessment conclusions at section 6.77 state *“The effects on the landscape tranquillity from the plant site is considered greater due to its industrial character, prominence, audible noise levels and presence wholly within a tranquil area. The need to use lighting within the winter for safety purposes would add to the level of disturbance. Thus, resulting in an existing effect level of ‘Present and intrusive’.* The effects on tranquillity for both elements would be removed at the end of the proposed extended approx. see resulting in an enhancement to the current levels of tranquillity in Cwm Teigl and the SNP east of the site.”

NRW concur that effects on tranquillity are likely to be ‘Present and intrusive’. This would affect Cwm Teigl and the edge of the Migneint within ENP. We consider a ‘present and intrusive’ scale of effect to be a significant effect, given the conservation and enhancement policy requirements of designated landscapes.

Noise and vibration section 10:

The report includes the site assessment of noise levels from 3 locations along footpath 54. None of the assessed points however lie within the National Park. The report assessment and conclusions therefore provide little in the way of material evidence of the development's effects upon tranquillity or the significance of those effects.

Summary and conclusion

Adverse effects upon Eryri National Park's tranquillity and character would be prolonged, for 26 years to 2048 and the implementation of the restoration scheme would be delayed. This does not support the

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purposes of designation, PPW11 and SNP Development Policy 1: General Development Principles (1). There is scope however to improve the restoration scheme in the area of existing plant site to benefit the character of Cwm Teigl. We therefore advise the restoration scheme be revisited to help offset the assessed effects associated with the time extension. We therefore advise that the restoration scheme look at addressing the following:

- Reduce the scale, angularity and uniformity of edges and profiles of spoil around and below the plant site.
- Landform shaping to the better echo the natural ridgelines, outcrops and lines of visual force.
- Design the restoration scheme using the LVIA viewpoints.

We can provide further advice to the applicant on addressing the above points, and would welcome any discussions if that would be helpful.

Protected Sites

The site lies approximately 700 metres from the Migneint-Arenig-Dduallt Special Area of Conservation (SAC), Special Protection Area (SPA), and Site of Special Scientific Interest (SSSI).

We have reviewed your Authority's assessment (Emily Meilleur, 5/4/2022) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (i.e. Appropriate Assessment) and we agree with this assessment in that there will be no likely significant effects upon these sites.

Biosecurity

We note that tree/shrub planting as part of the restoration plan will use plants of local provenance. However, in view of the nature of the works and the proposed restoration (e.g., use of seed balling) we recommend a Biosecurity Risk Assessment be prepared. We agree with your ecological adviser that monitoring for invasive non-native species should be undertaken along with implementation of biosecurity measures for the control, removal or for the long-term management of invasive species where required.

Protected Species

Schedule 1 birds

Hen harrier, Merlin and Peregrine are Schedule 1 birds protected under the Wildlife and Countryside Act 1981 (as amended). The applicant has proposed mitigation measures on protected species within 7.98 and 7.99 of the Environmental Statement. We agree with your ecological adviser who has recommended that these measures are a condition of any permission. There are no other immediate protected species issues with regards to extending the time period. However, this could well change during the 26-year extension period requested. Therefore, we advise that periodic ecological reviews (including invasive species) are undertaken and that this updated information is used to inform quarrying and subsequent restoration/landscaping.

Groundwater

Previously we requested details on the dewatering of the site

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(C19/0461/03/SO, June 2019). From the submitted information we understand that no dewatering will occur on site. We note the proposed or continued use of pollution prevention measures on site stating the good practice guidance for particular activities. Overall, we have no concerns provided the site does not dewater and continues with good practice guidance for pollution prevention. However, the applicants should note our advice concerning water management, as below.

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.

Dŵr Cymru:

No Response

Public Protection Unit:

Response received on 07/05/2024:

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.

Chapter 10 'Noise and Vibration' of the Environmental Statement (ref SLR Ref: 403.06559.00027, Dec 2021) has provided calculations of the predicted noise levels at 3 locations of Footpath 54 from the proposed extension in comparisons to MTAN 1 guidance, stating that as users of the footpath will be transient, an upper limit of 55dB(A) is considered acceptable. Except with prior written agreement with the Mineral Planning Authority, noise emissions from the operations carried out at the site (excluding temporary operations) shall not exceed the following noise levels in dB LAeq, 1 hour at noise sensitive receptors (NSR), when measured at a height of 1.5 meters above the ground and in free-field conditions:

- When background level exceeds 45dB(A) at NSR: Maximum daytime noise limit of 55dB(A)
- Where background level is less than 45dB(A) at NSR: Noise limits should be no more than 10dB(A) above.
- Noise limits at Location 1, 2 and 55dB(A), 56.2 dB(A) and 49.9

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dB(A), respectively

- During temporary and short-term Operations: Higher levels may be reasonable but should not exceed 67dB(A) for periods of up to 8 weeks in a year at noise sensitive Properties, 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.

Biodiversity Unit:

Response received on 05/04/2022:

The applicant has provided an EIA following consultation in 2019 and responses to a scoping opinion C19/0461/03/SO for “proposed continuation of quarrying operations at Cwt y Bugail quarry beyond 31st of December 2022”, to which I commented (memo dated 29th May 2019), following my visit to the quarry with the applicant’s ecologist.

Quarry Proposal

The applicant states: “The applicant is submitting a planning application for the continuation of slate extraction operations, together with the deposit of mineral wastes and overburden within the quarry workings beyond the current cessation date of 31st December 2022 (imposed by condition 2 of planning permission ref. 5/59/500 dated 12 September 2005). The proposals would not seek to

laterally extend either the slate workings or associated tips beyond the current approved footprint and operations would continue at the same level of intensity as current. Moreover, all tipping operations would be undertaken within the current operational tip on the western side of the quarry or within the quarry void.

In this respect the quarry would continue to develop in line with the plans approved under Planning Permission 5/59/500, notably Drawings M13/04 to 06.” However, this plan includes the quarrying of new land previously unquarried (see below – circled in yellow) near North Pole Quarry.

Habitats

The aerial photographs show that most of the site within the proposal boundary (red line) is slate tips with little vegetation, most of the land within the quarry boundary appears to be bare ground. However, the land to the west of the North Pole Quarry, circled in yellow is upland grassland, heath and bog with rock outcrops and is area of high biodiversity value. The EcIA did not undertake a habitat or vegetation survey in this area.

Environmental Impact Assessment

The applicant has provided an Environmental Statement, which covers ecology.

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Ecological Impact Assessment

The Ecological Impact Assessment (EcIA) has covered all relevant aspects of ecology (protected sites, protected species, species of significance, habitats etc., and includes a report to inform a Habitats Regulations Assessment, however, has not included a vegetation survey of un-quarried land that is within this proposal.

Wildlife Sites

The quarry site is within a candidate Wildlife Site (1415 Graig-ddu Slate Quarry) and surrounded by two other candidate Wildlife Sites (1402 Manod Mawr & 1401 Moel Penamnen). The two candidate Wildlife Sites surrounding the quarry are areas of upland habitats of heath, bog, grassland and rocks, these habitats are all of high biodiversity value and are listed under section 7 of the Environment Act 2016, by the Welsh Government as habitat of principle importance. The EcIA concludes: "Five candidate LWS are within or adjacent to the Site, but as the candidate LWS were recognized after the quarry was created and whilst it was operational, the continued presence of the quarry is not considered to be a significant impact on the important features or the criteria on which the candidate site selection was based." However, the proposed time extension to the quarry works include quarrying within the cWS 1401 Moel Penamnen. This would result in land take outside of the current quarry working area and the loss of upland habitats. I estimate the area of habitat loss 4379 meters square just under half a hectare (0.5ha). The EcIA does not refer to this loss.

Wildlife Sites receive some protection under the policies within the Gwynedd and Mon Local Development Plan:

Planning Policy & Wildlife Sites – LDP POLICY AMG 5: LOCAL BIODIVERSITY CONSERVATION

Proposals must protect and, where appropriate, enhance biodiversity that has been identified as being important to the local area by:

- a. Avoiding significant harmful Impacts through the sensitive location of development.*

- b. Considering opportunities to create, improve and manage wildlife habitats and natural landscape including wildlife corridors, stepping stones, trees, hedges, woodlands and watercourses.*

A proposal affecting sites of local biodiversity importance will be refused unless they can conform with all of the following criteria: -

- 1. That there are no other satisfactory alternative sites available for the development.*

- 2. The need for the development outweighs the importance of the site for local nature conservation;*

- 3. That appropriate mitigation or compensation measures are included as part of the proposal.*

Where necessary, an Ecological Assessment which highlights the relevant local biodiversity issues should be included with the

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planning application.

POLICY AMG 6: PROTECTING SITES OF REGIONAL OR LOCAL SIGNIFICANCE Proposals that are likely to cause direct or indirect significant harm to Local Nature Reserves (LNR), Wildlife Sites (WS) 1 or regionally important geological / geomorphologic sites (RIGS) will be refused, unless it can be proven that there is an overriding social, environmental and/or economic need for the development, and that there is no other suitable site that would avoid having a detrimental impact on sites of local nature conservation value or local geological importance. When a development is granted, it will be necessary to ensure that there are appropriate mitigation measures in place. It will be possible to use planning conditions and/or obligations in order to safeguard the site's biodiversity and geological importance.

The area of land take with the candidate Wildlife Site is a small proportion of the cWS and therefore is not a significant loss, however I recommend that mitigation for cWS and habitat loss is provided through working practice and the restoration scheme.

Peat

Areas of peat have been highlighted with a yellow line, this proposal which includes quarrying outside the current quarry works and a small pocket of peat would be lost, located just on the boundary near the North Pole Quarry, if the quarry plan is fully implemented. Peat is a soil which is very high in carbon. In Planning Policy Wales (paragraph 6.4.3.) it states that the planning system has a role to play in safeguarding biodiversity and ecological networks and the components that underpin them such as soils including peat. Although the loss of peat is a small proportion to the surrounding landscape, mitigation must be provided, and I recommend a programme of habitat creation.

Protected Species (bats, otters etc.)

Following my site to the quarry with SLR Ecologist in 2019, I can confirm that I have no concerns regarding bats for this proposal for a time extension. The ongoing works do not alter the adits and underground parts of the quarry, and therefore will not impact on bats and a bat survey is un-necessary.

Breeding birds

It is likely that there are nesting birds either within the quarry or within the vicinity of the quarry such as skylark, meadow pipit and there are records of ring ouzel. There may be cliff nesting birds within the quarry such as raven, chough, peregrine falcon.

Records from Cofnod show that there is a recent record of Ring Ouzel just outside the quarry, the EcIA points out that it is not a confirmed breeding or nesting record of Ring Ouzel, although the habitat around the quarry is a suitable for breeding Ring Ouzels. The EcIA proposes mitigation measures (below) for nesting birds under section 7, which I consider acceptable, and I recommend that they

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are a planning condition:

“7.98 The nests, eggs and young of even common species of wild bird are protected from deliberate damage during the breeding season (March to August inclusive) under Section 1 of the Wildlife and Countryside Act 1981 (as amended). The following measures are therefore proposed where possible:

- Vegetation will be removed outside of the breeding season;*
- Previously stripped, quarried or tipped areas that have been inactive would only brought back into use (i.e., regraded, overtipped or similar) outside of the breeding season;*
- Any external structural repair or demolition of buildings or structures would be undertaken outside of the breeding season. 7.99 If this is not possible, a suitably experienced ecologist will undertake a search of vegetation/the area affected immediately prior to work, so that breeding sites can be identified, and their clearance delayed until any young have fledged.”*

Restoration

In chapter 3 of the ES (The Development & Alternatives) it refers to restoration:

“3.27 The proposals do not seek to amend the restoration scheme per se. That said, as a consequence of the proposals, the timescale by when the quarry workings would be restored is extended (to allow for the continued mineral extraction).

3.28 Restoration proposals were put forward as part of the previous planning application (see Approved Drawings M13/04, M13/05 and M13/06 in Appendix 2/2). Allied to this, conditions within the extant planning permission require the submission of a restoration scheme.

3.29 Notwithstanding this, the applicant’s approach to restoration of their operations, as pioneered at their Penrhyn Quarry, is as follows:

- whilst there have been attempts made to retain soils for re-use (currently stored within old Manod Quarry), it is considered best that those soils remain in place and are allowed to continue to revegetate. In any event, there is inadequate soil on site with which to top dress final surfaces. Importing of soil for this purpose is not considered appropriate given the location and context of the quarry.*
- where possible, a crag face as tall as practicable would be retained or created for use by cliff nesting birds such as peregrine. The steepest restored slopes would comprise areas of blocky waste, akin to scree slopes which occur naturally on the local hillslopes. Shallower slopes would be finished with smaller material from overburden/interburden that would more readily revegetate via natural colonisation and the measures described below. 1 It is noted that the condition 16 is at odds with condition 2 which requires all operations to have ceased by 31 December 2022.*
- seed balling would be undertaken across all slopes (as occurs at Penrhyn Quarry). This involves the manufacturing of balls of compost with pre-germinated seeds which are then cast down the tips where they find their own lodging point on the slope. Over time, the seeds develop within their pocket of compost. Trees and shrub*

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planting will be limited to lower slopes, convex slopes and along water courses, so as to appear a natural part of the landscape. Trees and shrubs would be placed in hessian sacks containing 1.5 litres of compost and buried in place. All planting stock would be of local provenance, collected from local seed sources, propagated and grown at the purpose-built nursery at Penrhyn Quarry. 3.30 Finally, an aftercare scheme would be submitted prior to the undertaking of restoration works. This is provided for under condition 12 of planning permission 5/59/500.”

I recommend that a more detailed restoration plan is provided. This should have an area in which quarrying is completed and can be used for the creation of habitats, where soils such as peat can be placed and allowed to vegetate.

Protected Designated Sites (SAC & SPA)

The quarry is 400 meters westwards from the Migneint which is a designated site:

- SAC Migneint-Arenig-Dduallt
- SPA Migneint-Arenig-Dduallt
- SSSI Migneint-Arenig-Dduallt Zone of Influence

The first step in the screening process is the identification of SAC and SPA sites within the zone of influence of the project. There are three SAC or SPA within 10km;

- Migneint-Arenig -Dduallt SAC and SPA – 460m east;
- Meirionnydd Oakwoods and Bat Sites SAC – 2.9km south west
- Eryri SAC and SPA – 9.9km northwest.

For the purposes of this screening the potential zone of influence for the proposed development is limited to the Migneint-Arenig -Dduallt SAC and SPA. All other European sites are not likely to be affected given the context of the development, the distance between them and the project site and the lack of connectivity via surface water pathways and/or landscape features.

Habitats Regulations Assessment

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law and under this legislation a ‘Habitats Regulations Assessment’ is required where a likely significant effect on the European site is predicted.

Following the UK’s withdrawal from the EU on 31st of January 2020;

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the legislation underpinning the protection of European sites has been updated. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 effectively carries over and transposes EU law on this matter into UK domestic law.

Regulation 63 of the Conservation of Habitats and Species Regulations 2017, requires a competent Authority (such as Gwynedd Council in determining planning applications) to make an Appropriate Assessment of the implications for European site or sites in view of a site's conservation objectives, before deciding to undertake, or give consent, permission or other authorization for, a plan or project which: a. is likely to have a significant effect on a European site, either alone or in combination with other plans and projects; and b. is not directly connected with or necessary to the management of that site.

HRA Report

Migneint-Arenig-Dduallt SAC and SPA The applicant has provided a Habitats Regulations Report produced by SLR: *CWT Y BUGAIL QUARRY PROPOSED TIME EXTENSION Appendix 7/4: Habitat Regulations Assessment – Screening Prepared for: Breedon Trading Ltd, SLR Ref No: 406.06559.00022 December 2021*

This report provides an assessment on the likelihood for significant effects on Migneint – Arenig – Dduallt SAC and SPA from the proposed time extension to operations at Cwt y Bugail Quarry. At its nearest point the quarry site and processing facilities lies approx. 450m from the boundary of the European sites. The HRA report is comprehensive and thorough and has been undertaken to a good standard.

Migneint-Arenig-Dduallt SAC

Migneint-Arenig-Dduallt SAC is designated primarily for habitats: European dry heaths & Blanket bogs; with additional qualifying habitats: Northern Atlantic wet heaths; dystrophic lakes and ponds; oligotrophic to mesotrophic lakes; and old sessile oak woods.

Migneint-Arenig-Dduallt SPA

Migneint-Arenig-Dduallt SPA is an upland site designated for Annex 1 bird species

- Hen harrier *Circus cyaneus*;
- Merlin *Falco columbarius*; and
- Peregrine *Falco peregrinus*

HRA conclusion

The HRA report concludes the following with which I concur: *“It is concluded since that there is low risk of airborne dusts, that deposition levels would be well below 1000mg/m2/day and the neutral chemical composition of the dust (i.e. dust arising from a*

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similar geology as the receiving habitats and dust that is not nutrient or mineral rich), there is no likely significant effect on any qualifying habitats within Migneint-Arenig -Dduallt SAC as a result of continued quarrying activity. A precautionary approach has been taken in respect of possible disturbance to SPA interest features (merlin, peregrine, hen harrier) potentially using habitats adjacent to the site, although there is no evidence that these areas are favoured by any of the interest features. Due to topography and intervening vegetation, plus habituation to existing disturbance, no likely significant effects are anticipated in relation to disturbance. The potential for in combination effects during construction has been considered. However, no plans or projects have been identified in the vicinity of the site that could potentially give rise to cumulative impacts. No likely significant effects are therefore identified as a result of the continued operation of the quarry, either alone or in combination with other plans or projects.”

SNPA

Snowdonia National Park borders the quarry at the northeastern corner.

INNS

The Ecology Report did not record any non-native invasive species, however quarries frequently have many non-native plants, especially Buddleia and Rhododendron, therefore I recommend continual monitoring for non-native species and measures taken to control and eradicate them.

Biodiversity Enhancement

Under section 6 of the Environment Act 2016 all public bodies such as Gwynedd Council, have a duty to maintain and enhance biodiversity as well as ensuring ecosystem resilience. I recommend that the applicant provides a biodiversity enhancement plan.

Summary

- The applicant has provided an Ecological Impact Assessment and HRA report.
- A HRA has been undertaken and concluded that this development proposal is unlikely to have significant effect on Natura 2000 sites.
- The full implementation of the quarry plan will result in 0.5ha of upland habitat comprising of acid grassland, bog, heath and rock being lost, near North pole Quarry. These habitats are of high biodiversity value. This area is within a candidate Wildlife Site. There are Local Development Plan policies for the protection of Wildlife Sites and biodiversity. Although the proportion of land loss from the cWS is small, mitigation must be provided by habitat creation, this could be implemented through a restoration plan.
- The full implementation of the quarry plan will result in a small amount of peat being lost in the area near to North pole Quarry. Peat is a soil rich in carbon.
- It is likely that the quarry works will cause some disturbance to

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birds such as Ring Ouzel, however mitigation measures can reduce impacts to birds.

- A more detailed restoration plan is required that includes the creation of habitats within the quarry.
- I recommend monitoring within the quarry for non-native plant species and a plan for their eradication while the quarry is still active and while restoration is taking place.
- I recommend that planning conditions are included for: the monitoring and eradication of non-native plants; measures to protect nesting birds; the creation habitats; as well as all mitigation measures within the EcIA are a planning condition.

I have no objection to the continuation of the working quarry, I have some concerns regarding the extension into previously un-quarried areas and the loss of upland habitat that will result. I recommend that mitigation is provided and a more detailed restoration plan.

Gwynedd Archaeological
Planning Service:

2nd response received on 13/06/2023:

Thank you for updating us on the progress of this application; apologies for the delay in replying. I have read the Cotswold Archaeology report on the Second World War storage facility at the site. This is an excellent report and should now be deposited with the Gwynedd Historic Environment Record. However, I am as yet unable to provide comments on the planning application. A revised assessment of potential impacts on other aspects of the historic environment is still awaited, as per my comments of 4th April 2022. Additionally, I understand that there may be further non-archaeological technical reports to be submitted, which may have a bearing on archaeological matters. I would be grateful if you could continue to notify us as and when new documents are submitted, so that we can advise as appropriate without undue delay.

1st response received on 04/04/2022:

Thank you for consulting us on the above planning application. I have reviewed the submitted documents, which include an Environmental Statement, and write to advise that I am presently unable to form a view on the application.

The Environmental Statement includes a chapter on Cultural Heritage. In our scoping comments of 17th June 2019, we advised that this should comprise a standard archaeological desk-based assessment, in order to provide an up-to-date account of surviving archaeology at the site, upon which to base future management and mitigation recommendations. The submitted chapter fails to achieve this aim and does not accord with either the relevant professional guidance or SLR Consulting's own methodology as set out in Appendix 9.1.

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The quarry is well-known and has been the subject of previous archaeological study, as well as popular articles, and informal interest from local historians and urbex enthusiasts. As such, the chapter was not expected to provide an exhaustive background, but should have made use of this existing information to

provide a historical overview and to extract salient details as a basis for the current assessment. The assessment was expected to focus particularly on industrial archaeology and, as highlighted by Cadw and the Council's scoping opinion, the nationally important use of the site during the Second World War for the storage of art for the National Gallery. Although both of these are mentioned in passing, the chapter does not provide an assessment of their significance nor the impact of the proposals upon them.

The baseline data as presented is incomplete and in places incorrect. It is missing the numerous entries within the study area on the National Monuments Record of Wales, which principally relate to quarrying history, and include contemporary artistic value in the site by the renowned artist of industrial landscapes, Falcon Hildred. The location of the site within the Blaenau Ffestiniog Registered Landscape of Outstanding Historic Interest is not considered, nor the fact that the site includes part of the Slate Landscape of Northwest Wales World Heritage Site (PRN 59317, an incline associated with Craig Ddu Quarry, terminates in the south-west corner of the consented tipping area). The chapter should have been supported by copies of relevant historic mapping, cross-referenced as appropriate to features observed on site or considered to survive below visible activity. Similarly, insufficient detail from site observations has been provided, with no clear indication of what the identified remains are, where they are located, and whether they correspond to any existing records or mapped, but unallocated, features.

In light of the above, we would advise that there is presently insufficient information to enable the local authority to assess the implications of the application for the historic environment and thereby to make an informed planning decision.

We would recommend that the application should be refused or deferred.

Pending submission of a comprehensively revised Cultural Heritage chapter addressing the above comments. Particular emphasis should be placed on the condition and significance of extant industrial.

Structures and the underground workings formerly used for art storage, with an appropriately detailed assessment of impacts upon individual elements.

North and Mid Wales Trunk
Roads Agency:

2nd response received on 14/02/2024:

I refer to your consultation of 25/02/2022 regarding the above

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planning application. Further to your follow-up advice of 13/02/2024 I can advise that the Welsh Government as highway authority for the A470 trunk road withdraws its previous holding direction and does not issue a further direction in respect of this application.

1st response received on 04/05/2022:

I refer to your consultation of 25th February 2022 regarding the above application and advise that the Welsh Government as highway authority for the A470 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 applicant must provide an appropriate level Transport Assessment which demonstrates the potential impact the proposal may have on the Trunk Road Network

CADW:

2nd response received 23/02/2024:

No objection, subject to conditions be attached to the consent. Two documents have been submitted in support of this application, a Heritage Assessment and Statement of Significance in regard to the Second World War Storage Facility at Cwt-y-Bugail Quarry prepared by Cotswold Archaeology and assessment of Potential for Blast Vibration Damage to Manod Mine and Buildings at Cwt-Y-Bugail Quarry prepared by GWP Consultants. The first document provides information on the storage facilities used by the National Gallery

during the Second World War and its significance. It is clear from this work that the remains of this facility are of National Importance. The second document considers the likely impact of vibrations caused by the explosions that will be required to quarry the slate during ongoing operations of the quarry. It concludes that the vibrations are not predicted to cause any damage to the surviving remains of the facility but note that additional tests will need to be

carried out before any works occur close to it. Sufficient information has therefore been presented for us to conclude that quarrying work can be carried out without damage to the historic remains, but we note that various recommendations are made in the two reports which will need to be implemented before and during the quarrying works. These recommendations are that the following should be carried out:

- A programme of building recording (level 3 to 4 of the Historic England guidance Understanding Historic Buildings: A Guide to Good Recording Practice).
- A programme of outreach explaining the importance of the historic storage facility, disseminated to both the local and National communities.
- Before blasting approaches inside 60m of the historic storage facility trials will be conducted so that the best configuration minimising vibration, can be ascertained.

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- Peak particle velocity from blasting activities must not exceed 50mm/s for 95% of overburden blasts over a three-month period and not exceed 60mm/s at any time.
- Peak particle velocity must be measured at the closest point to the blast site within the shaded area shown in Drawing No. WCYBG2312-10.

These requirements can be secured by the attachment of appropriate conditions attached to any consent that is granted to the current application.

1st response received on 15/03/2022:

Thank you for your letter inviting our comments on the information submitted for the above planning application.

Advice

We consider that the application is inadequately documented, and we recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24 Historic Environment, and associated guidance. Full details of the additional information that is required are explained in the below assessment.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

This advice is given in response to an application under Section 73 application to vary condition 2 on planning permission 5/59/500 (Extension of Slate Quarry and Realignment of Quarry Roads) so as to extend the time for the winning and working of material to 2048 at Cwt y Bugail Quarry, Cwm Teigl, Llan Ffestiniog.

The application is accompanied by an Environmental Statement for which a scoping opinion was issued on the 3 July 2019. This opinion noted that there was a possibility that the proposed quarrying may have an impact on historic features that could be of national importance due to the use of the quarry to store part of the National Collection of Art during the Second World War. The scoping opinion therefore stated that the Environmental Impact Assessment on which the Environmental Statement is based should specifically concentrate on providing information on this matter (see section 7.5 Archaeology and Cultural Heritage of the Scoping Opinion). The Environmental Statement contains a chapter (number 9) on Cultural Heritage, but this contains no reference to the use of the quarry to store the National Collection of Art or any consideration if structures associated with this use will be affected by the proposed quarrying. As such the current application does not provide sufficient information for Cadw to assess the impact of the proposed development on historic assets, potentially of National Importance, which is a material consideration in the determination of this application. Consequently, the applicant should be requested to

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provide more information on this matter, as outlined in the Environmental Impact Assessment scoping opinion. Once this information has been received Cadw should be reconsulted on this application.

Eryri National Park: Response received on 02/03/2022:

No comments.

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 received comments from the public were received in relation to;

- Objection to additional traffic using the public highway (up Cwm Teigl).
- Large plant is tracked up to the quarry rather than carried on trailers. This is damaging the road surface.
- Traffic (Quarry) is dangerous and often speed.
- There is no speed limit on the public highway.
- Traffic should be limited to 20mph.
- Traffic should be limited to specific times during the day and follow a 1-way procedure subject to notifying (residents)
- More passing places required on the highway.
- Residents should not have to reverse for large vehicles.
- A highway in the National Park should not be used for quarry traffic.
- Concern about pollution in river (Unspecified in comments but assumed to be Afon Teigl)

5. Assessment of the material planning considerations

Principle of development

5.1 The site is an established slate quarry subject to planning permission granted in 2005. Any variation of condition to extend the lifespan of operations will need to be assessed against the changes in the national and local planning policy since the granting of the permission and associated assessment. Currently, the relevant local planning policies are Strategic Minerals Policy PS 22 & Policy MWYN 3 of the Anglesey and Gwynedd Joint Local Development Plan 2011 (JLDP). Policy PS 22 states that the council will contribute to the continuous regional and local demand for a supply of minerals in accordance with the key objectives of sustainable development.

5.2 Planning Policy Wales Edition 12 (PPW 12) integrates the Welsh Government's planning policies for minerals development which were previously set out in Minerals Planning Policy Wales (2001). In accordance with the requirement of PPW 12, Gwynedd Council as the Mineral Planning Authority has a duty to ensure that mineral resources are exploited in a sustainable way so that they can make an appropriate contribution to the area's construction materials requirements. The key principles noted in the section 5.14.2 (Minerals) of the PPW are:

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- *Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;*
 - *Protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;*
 - *Reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and*
 - *Achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment."*
- 5.3 PPW 12 goes on further to elaborate on importance of slate extraction in section 5.14.24 *"Slate is used for roofing, cladding and decorative purposes, and in powder and granular form for specialised applications such as fillers for bituminous products or as reconstituted slate tiles⁸⁴. The slates of North-West Wales are of high quality and are available in extensive quantities...maintaining local building character where the use of slate of a specific appearance is a strict planning policy. It is important that the supply of slate is maintained but balanced against the need to protect important landscapes."*
- 5.4 Ultimately, mineral deposits can only be worked where they are found geologically and in economically viable quantity. In this instance, the proposal is to extend the working life of a well-established slate quarry that would continue to supply roofing and decorative slate from a known reserve of high-quality slate as opposed to prospecting for new material at alternative sites.
- 5.5 Policy MWYN 3 of the LDP is also relevant in this instance and states that; *"Mineral exploration, new working or extensions to existing operations will be granted to maintain the Plan area's landbank of aggregates, or to meet a demonstrated need for other minerals provided the following criteria are met:*
- 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*

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- 5.6 As will be covered in further depth later in this report, the proposed extension to the working life of Cwt y Bugail Quarry complies with the criteria noted in Policy MWYN 3.
- 5.7 Subject to the consideration of all other material planning considerations, it is considered that the development complies with the requirements of Strategic Minerals Policy PS 22 & Policy MWYN 3 of the LDP and having regard to current national policy contained within PPW 12 and guidance contained in MTAN1 (Wales).

Visual amenities and landscape

- 5.8 Policies PCYFF 3, PCYFF 4, MWYN 3 and MWYN 9 of the JLDP are all relevant policies to consider in terms of visual and landscape impact. The potential significance of any landscape and visual impacts are determined by a combination of the magnitude of changes and sensitivity of the landscape setting to change. The proposed development would cause direct impacts to the landscape of the application site which is unavoidable due to the nature of mineral extraction. As part of the supporting documents, the applicant has provided a Landscape and Visual Appraisal (LVIA) that considers the sensitivity of surrounding landscape designations, residential areas and recreational receptors.
- 5.9 NRW has assessed the submitted documents and have provided their own analysis of the visual effects. NRW state that there are existing adverse effects upon the character, visual amenity and special qualities of the Eryri National Park deriving from operational noise and visual effects from mineral working deposits, access tracks/roads, plant, machinery and structures. The main impact of the proposal in NRW's view are;
- the prolongment of operations at the site that would affect the national park's tranquillity and character.
 - the permitted concept restoration for the area covered by buildings/sheds/stocking areas is relatively vague other than removal the structures and profiling of the land/slate tip and would leave an obtrusive landform.
- 5.10 The application submitted is specifically for the prolongment of mineral extraction and tipping as permitted under planning permission 5/59/500 and is not for a new mineral development, physical extension or alterations to the working area. It is important to note, that the extant planning permission, 5/59/500 is relatively lax in terms of restrictions on operations that could have a significant impact on tranquillity (i.e., noise, air quality, operational hours) and the buildings/workshops/sawing sheds, staff facilities and car parking are not covered by this permission but under numerous separate historic permissions.
- 5.11 However, a Section 106 legal agreement dated 12/09/2005 (linked to permission 5/59/500) covers all operational land within the quarry and includes final working positions/restoration plans for the area covered by the associated buildings/workshops. The existing restoration concept attached to permission 5/59/500 is therefore, considered to be the fallback of what would be implemented (in terms of restoring the site) in the event of cessation of operations at the site today despite NRW's concerns about its inadequacy.
- 5.12 Given that this Section 73 Application affords an opportunity to assess the visual impacts development against current planning policy standards, there is scope to achieve an improved restoration scheme through an appropriate condition that could reduce the visual impact of the site following cessation of works and overcome NRW's main concerns and ensure compliance with policy PCYFF 4 and MWYN 9 of the JLDP and MTAN 1.
- 5.13 The nature of the proposal to extend the lifespan of the operations would undoubtedly prolong the existing visual impacts in the medium-term but would offer the opportunity for an enhanced restoration and aftercare scheme to reduce the mineral working's impacts on sensitive landscape

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receptors and is therefore considered acceptable subject to the placement of an appropriate condition on any new permission.

- 5.14 Other matters raised by NRW relating to tranquillity operational noise, air quality, vibration is discussed in further detail in other sections of this report.
- 5.15 The Section 106 Legal Agreement will need to be amended to reflect the changes of any new permission or variation to the conditions. This will ensure that the restoration proposals for the whole quarry, including operational areas beyond the application under consideration, can be effectively enforced. Therefore, with the imposition of conditions it is considered that the application complies with policies PCYFF 3, PCYFF 4, MWYN 3 and MWYN 9 of the JLDP.

General and residential amenities

- 5.16 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.
- 5.17 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 200 metres should be adopted for hard rock extraction sites and that development plans should indicate the boundary of a buffer zone for each mineral working.
- 5.18 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 200 metres for hard rock extraction operations and others where blasting is required.
- 5.19 The closest residential properties to the operational areas of the quarry are located over 1km away (at Bethania, Cwm Teigl and Cwm Penmachno respectively). Given the separation distance and evidence to demonstrate that the site already operates without detriment to amenity under the terms of planning conditions and/or environmental permits it is considered that the proposal complies with policy PCYFF 2 and MWYN 3.
- 5.20 Issues relating to noise, vibration and air quality are discussed in further detail below.

Noise and vibration

- 5.21 Operational noise and vibration have been considered within Chapter 10 of the ES and subsequent document ‘Potential for blast vibration damage to Manod mine and buildings at Cwt y Bugail quarry (GWP consultants, December 2023)’.
- 5.22 As noted above, there are no residential properties within 1km of the quarry, therefore, the assessment has concentrated on the tranquillity of Public Right of Way No.54 Ffestiniog (PROW) and the Eryri national Park. In terms of noise, the assessment concludes that noise surveys undertaken show that operations within the quarry will not have an adverse effect on users of the PROW.
- 5.23 There is no national guidance blasting limits for safeguarding the amenity/tranquillity of PROW, however, the assessment recommends that a limit of PPV of 14mm/s (the limit in relation to the

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residential property) would be an acceptable level for the protection of amenity. Additionally, the blast duration is minimal and infrequent.

- 5.24 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 of suitable mitigation measures and that any permission is subject of the following condition;

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

- *When background level exceeds 45dB(A) at NSR: Maximum daytime noise limit of 55dB(A)*
 - *Where background level is less than 45dB(A) at NSR: Noise limits should be no more than 10dB(A) above.*
 - *Noise limits at Location 1, 2 and 55dB(A), 56.2 dB(A) and 49.9 dB(A), respectively*
 - *During temporary and short-term Operations: Higher levels may be reasonable but should not exceed 67dB(A) for periods of up to 8 weeks in a year at noise sensitive Properties, 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.*
- 5.25 The current permission for the quarrying operations does not include any restriction on vibration (from blasting). However, new conditions will be introduced as per the recommendation contained in the supporting document 'Potential for blast vibration damage to Manod Mine and buildings at Cwt y Bugail Quarry (GWP Consultants, 2023). These additional conditions will be in place to ensure that no damage is done to the Manod 'mine' caverns beneath the quarry extraction void as will be discussed in further detail in paragraphs 5.52 to 5.64 of this report.
- 5.26 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.

Air Quality and dust

- 5.27 Air quality impacts (specifically dust) deriving from operations associated with the proposed extension on local receptors have been assessed in chapter 11 of the ES and accompanying dust impact assessment.
- 5.28 This assessment has been conducted in accordance with IAQM 'Guidance on the Assessment of Mineral Dust Impacts for Planning' and concludes;
- *the effect on amenity is considered to be 'not significant';*
 - *the effect on PM10 in relation to human health is considered to be 'not significant'; and*
 - *the effect on dust deposition on ecological receptors is considered to be 'not significant'.*
- 5.29 No objection was raised by the Public Protection Officer to the application in terms of dust and air quality and as there is little potential for the proposed operations to cause a breach in air quality standards, it is considered that the proposal complies with the relevant policies of MWYN 3 and PCYFF 2 of the JLDP

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Traffic matters, Public Rights of Way and Common Land

- 5.30 The proposal does not include any alteration to transport movements to and from the site. Currently, the planning permission is restricted to an output of 15,000 tonnes of per annum utilising the unclassified/class 3 public highway from Llan Ffestiniog up Cwm Teigl. From Llan Ffestiniog, the classified public highway joins the A470 Trunk Road.
- 5.31 The North and Mid Wales Trunk Road Agency submitted a holding direction in response to the initial consultation period but have rescinded this considering the above condition remaining in place.
- 5.32 Public Right of Way No.54 Ffestiniog (PROW) leads from the back of the workshops (covered by separate planning permission) along the slopes south of the quarry road before joining a disused haul road for short section and down towards Llyn Manod.
- 5.33 The Local Authority's Public Rights of Way officer have not raised objection to the proposal and have commented PROW No.54 must be protected for the duration of the development and following cessation of operations and restoration of the site.
- 5.34 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

- 5.35 Chapter 8 of the ES provides an assessment of the existing hydrological conditions of the site, assessment of impacts and proposed mitigation measures.
- 5.36 In terms of the sensitivity of the site, it does not fall within any designated flood zones on the Welsh Government Development Advice Maps. The strata underlying the site has been identified as Secondary B Aquifer and there are no known groundwater abstraction licenses within 2km of the site. Watercourses nearby the site feed into the Afon Teigl that is essentially the western extremity of the Migneint – Arenig – Dduallt designation (SPA, SAC and SSSI) so there is no hydrological connection between the site and protected blanket bog and is not considered a receptor.
- 5.37 The assessment identifies the main risk to the hydrology of the area as being suspended solids from runoff and mineral processing as well as accidental spillages.
- 5.38 Quarrying operations will continue in a similar manner as currently undertaken. Run-off from the quarry is directed into the quarry void and subsequently into the Manod Mine voids which act as settlement ponds for suspended solids. Water from processing operations is recycled any dirty water from the works and fed through a filter press prior to being pumped into the Manod Mine. Off-site run off is limited to seepage from the mine adits that overflow into Llyn Ministry (located West of the quarry processing buildings) with any overflow feeding the Afon Teigl.
- 5.39 The quarry currently practices appropriate measures to mitigate from accidental spillages that will be retained. These include;
- *In accordance with the relevant guidance all above ground on-site fuel and chemical storage facilities are bunded.*
 - *Emergency spill response kits are maintained on site.*
 - *A vehicle management system / road markings has been put in place wherever possible to reduce the potential conflict between vehicles and thereby reduce the risk of collision.*
 - *Speed limit is imposed on site to reduce the likelihood and significance of any collisions.*

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5.40 NRW have reviewed the submitted information and confirmed that they have no concerns regarding hydrology with extending the working life of the quarry subject to compliance with continued use of pollution prevention measures and good practice guidance.

5.41 It is considered that the proposed development would not have any detrimental effect on hydrological features and flood risk and complies with the requirements of Strategic Policy PS 19 and Policy AMG 3, AMG 5, PCYFF 2, PCYFF 3, PCYFF 6 and MWYN 3 of the Gwynedd and Môn Joint Local Development Plan 2011 - 2026.

Ecological and biodiversity matters

5.42 The quarry falls within a candidate Wildlife Site '1415 Graig Ddu Slate Quarry' and is surrounded by sites '1401 Moel Penamnen' and '1402 Manod Mawr'. Although the site itself does not fall within a designated protected site, the 'Migneint-Arenig-Dduallt' Special Area of Conservation (SAC) Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) at the closest point around 350m southeast of the quarry's processing area.

5.43 The chapter 7 of the ES contains an Ecological Impact Assessment (EcIA) and NRW and the local authority's Biodiversity Unit were consulted on its content.

5.44 The Local Authority's biodiversity officer raised concerns about an area at the northern most point of the site boundary that sits within the approved area for mineral extraction but is yet to be excavated/quarried. This area is approximately 0.5ha in size and consists predominantly of upland grassland, heath and bog, rock outcrops and small pockets of peat and is area of high biodiversity value. Despite the loss of this land, the biodiversity has recommended that the mitigation is provided within the restoration scheme.

5.45 The EcIA proposes mitigation measures for the protection of breeding/nesting birds as the quarry (and vicinity) is suitable habitat. These recommendations include;

- *Vegetation will be removed outside of the breeding season;*
- *Previously stripped, quarried or tipped areas that have been inactive would only brought back into use (i.e., regraded, overtipped or similar) outside of the breeding season;*
- *Any external structural repair or demolition of buildings or structures would be undertaken outside of the breeding season.*
- *If this is not possible, a suitably experienced ecologist will undertake a search of vegetation/the area affected immediately prior to work, so that breeding sites can be identified, and their clearance delayed until any young have fledged.*

5.46 In addition to these recommendations, the biodiversity officer and NRW have requested additional conditions for monitoring for non-native species eradication plan and a (more) detailed restoration scheme to be submitted that should include the creation of habitats, where soils such as peat can be placed and allowed to vegetate.

5.47 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.

5.48 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.

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Habitats Regulation Assessment

- 5.49 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 350m (approximately) of the 'Migneint-Arenig-Dduallt' Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The SAC designation includes European dry heaths & Blanket bogs; with additional qualifying habitats: Northern Atlantic wet heaths; dystrophic lakes and ponds; oligotrophic to mesotrophic lakes; and old sessile oak woods with the SPA noted as being an upland area with Schedule 1 (Wildlife and Countryside Act 1981) bird species such as Hen harrier *Circus cyaneus*, Merlin *Falco columbarius* and Peregrine *Falco peregrinus*.
- 5.50 Appendix 7/4 of the ES contains HRA screening that has identified and assessed the likelihood of potential effects on the designations.
- 5.51 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, SPA or SSSI. NRW have confirmed we agree with this assessment in that there will be no likely significant effects upon these sites.

Archaeology and cultural heritage

- 5.52 The extent of the existing planning permission boundary is partially overlapping part of the UNESCO World Heritage Site 'The Slate Landscape of Northwest Wales' (WHS) (specifically a disused incline on the western edge of the site). Nearby designations include the Scheduled Ancient Monuments reference 'CN413 Diffwys Quarry', 'CN414 Rhiwbach quarry, tramway and incline system', 'ME137 Gamallt hut circle settlement'.
- 5.53 Concerns were raised by CADW during the initial consultation period as to the adequacy of the information submitted in relation to cultural heritage as contained in chapter 9 of the Environmental Statement (ES). These concerns were specifically in relation to the effects of quarrying operations (blasting/vibration) non-designated historical features within the quarry related to the storage of nationally important artworks during the Second World War.
- 5.54 In response to the threat of aerial bombing of London, The National Gallery had originally evacuated its art collection to various stately homes around Wales under the 'Welsh Dispersal Scheme'. With an increasing threat of invasion by Germany, Manod Quarry was selected as the location for a secret and specialist art storage facility. An existing network of underground slate mine caverns that is accessed beside 'Llyn Ministry' reservoir (located immediately west of the existing processing sheds) was adapted from 1940 to 1941 to protect the culturally significant artworks within a controlled environment that required storage chambers, ventilation equipment, electrical and water supplies and backup generators.
- 5.55 The originally submitted information within Chapter 9 (Cultural Heritage) of the ES did not make any references to these stores. CADW considered the art storage facilities to be non-designated historical assets of potentially national importance and further assessment was required. In response to CADW's request, documents; 'Heritage Assessment and Statement of Significance (Cotswold Archaeology, January 2024)' and 'Potential for blast vibration damage to Manod mine and buildings at Cwt y Bugail quarry (GWP consultants, December 2023) were submitted in support of the application.
- 5.56 The statement of significance considers that overall, the storage facility is of high value in terms of evidential, historical and communal value. In terms of aesthetical and physical significance, it concludes that only a moderate evidential value remains in terms of the built physical remains.

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- 5.57 The report establishes that the storage facilities had been maintained and upgraded by the Ministry of Defence (MoD) in complete and immaculate working order until a court decision forced relinquishment of the site lease in 1983 for the resumption of slate quarrying activities at Manod Quarry (Cwt y Bugail). Subsequently, the condition of the facility has deteriorated rapidly. Since the MoD's relinquishment of the facility, the generators, lights, picture hanging rack have all been removed with little plant equipment left in situ and what remains of the structures are in a poor and deteriorating state. The instability of the cavern roofs also limits safe physical access to the site.
- 5.58 From a historic significance, the site is evidence of a national effort to protect culturally significant artwork pieces from the Royal Palaces, National Portrait Gallery, Matisse drawings from the V&A Museum, the Rothchild collection (in addition to 30 other collections) during the Second World War and retained for this use during the Cold War. The Environmental controls used to maintain constant humidity and temperature at the facility directly influenced and advanced scientific understanding of conservation and preservation techniques of artwork and paintings.
- 5.59 The report notes that the communal/cultural value of the site is significant given vast effort and capital spent in protecting art during war, the numerous articles and contemporary research and archive of information that has been retained by the National Gallery in addition to post-war public interest and Cold War rumours that the facility was maintained for use by the royal family or seat of government.
- 5.60 The report concludes that despite no conservation or heritage legislation protections, the site is of high heritage value of a national importance.
- 5.61 The report by GWP Consultants into the potential vibration damage from blasting concludes that current blasting methods should be modified once works are within 60m of vulnerable parts of the mines.
- 5.62 A revised heritage chapter of the ES was submitted by the applicant to include further assessment of the proposals impact on the WHS, and the additional works undertaken to assess the caverns.
- 5.63 CADW have reviewed both documents and are now satisfied that sufficient information has been submitted to conclude that quarrying operations can be maintained without damaging the art storage facility. CADW have confirmed that there is no objection to the proposal subject to the placement of relevant conditions on the planning permission. Conditions will include restrictions on blasting activities (as mentioned previously in this report) and a requirement for a programme of building recording dissemination of findings.
- 5.64 Subject to the appropriate 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 Section 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 assesses any potential effects of the development on the language and local community by considering;
- potential language and population movement.
 - visual elements.

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- quality of life including community infrastructure.
- employment.

- 5.67 The statement concludes that the proposal to extend the lifespan of the quarry would, therefore, be supporting the retainment of the existing workforce. As the proposed development will not require any additional workforce, it is unlikely to lead to any changes in the balance of Welsh speakers, age structure, migration (of the workforce).
- 5.68 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

- 5.69 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.
- 5.70 The proposal to which the application relates is critical to prolonging mineral extraction at the quarry that would directly ensure retainment of the existing workforce and indirectly other related jobs/employment (such as haulage, plant and engineering).
- 5.71 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.
- 5.72 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.

6. Conclusion:

- 6.1 This is an application for the extension of winning and working of slate at Cwt y Bugail Quarry until 2048 by variation of condition. As discussed above, the principal of extending the lifespan of the site is acceptable and supported by local policies PS 22, MWYN 3 and nationally by the PPW 12 and MTAN 1.
- 6.2 Due to the location, scale and well-established controls regarding noise, dust and environmental matters, it is considered that the prolongment of activities are unlikely to result in any adverse visual and residential amenities, NRW and the local authority's Biodiversity Unit have confirmed that the proposal is acceptable in terms of ecological impact subject to the use of relevant conditions.
- 6.3 CADW have confirmed that there is no objection to the proposal regarding heritage issues subject to the placement of relevant conditions on the planning permission. These conditions will include restrictions on blasting activities to protect the Second World War art storage facilities located in the caverns and a requirement for a programme of building recording.
- 6.4 The proposed development, therefore, complies with all relevant planning policy and considerations and it is recommended that planning permission is granted subject to conditions.

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7. Recommendation:

7.1 To delegate powers to the Head of the Environment Department to approve the application, subject conditions relating to the following:

- Working to cease 31/12/2048, site restored by 31/12/2049.
- Permitted operations in compliance with submitted drawing/details/plans/information.
- Marked boundary of site and mineral extraction zones and tipping areas.
- Revoke GPDO Part 19 & 21 rights for fixed plant or machinery, buildings and structures and mineral waste.
- 15,000 tonnes per annum export limit.
- Exported material restricted to existing public highway.
- Tipping operations to be directed towards final landform.
- Updated tipping capacity.
- Control of noise limitations.
- Restrict blasting 07:00 to 20:00 Monday to Saturday. No blasting on Sundays and Public or Bank Holidays.
- Peak particle velocity restricted to 50mm/s for 95% of overburden blasts over a three-month period and not exceed 60mm/s at any time.”
- Peak particle velocity must be measured at the closest point to the blast site within the shaded area shown in Drawing Reference WCYBG2312 Drawing No. 10.
- Monitoring of blasting operations to record peak particle velocity.
- 5-year review of operations.
- First review submitted within 12 months.
- Detailed restoration plan.
- Phased/progressive restoration works.
- 5-year aftercare/monitoring.
- Scheme of landform remodelling shall be applied to North Pole Quarry benches and associated faces as indicated on plans for creation of stable landform and features to match surrounding rock buttresses and scree.
- Following cessation of works, clearance of quarry plant/machinery/materials/equipment to be cleared and site to be left in clean/tidy condition, quarry benches prepared, treated and planted with flora of local provenances, haul roads to be removed.
- Restrict access of livestock to restored areas.
- No plant or machinery to be operated without appropriate and properly maintained sound deadening screens, silencers etc.
- All vehicles transporting raw material or wastes shall be operated in manner not to generate excessive noise.
- No operations to cause raising of fugitive dust and all areas traversed by vehicles to be watered down.
- Removal of vegetation, structural repair or demolition of buildings and working of previously stripped/quarried/tipped areas shall be undertaken outside of nesting season for the protection of nesting birds. A suitably qualified ecologist
- No operations to be undertaken on surface without stripping and storage of topsoil’s, subsoils and peat.
- Topsoils and subsoils to be re-used as soon as possible (In restoration).
- Topsoils to be stored in mounds not exceeding 2m in height.
- Historic building recording of the art storage facilities and Written Scheme of Investigation.
- Monitoring and eradication plan of non-native/invasive species.