

<b>PLANNING COMMITTEE</b>	<b>DATE: 13/01/2025</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 2**

**Application Number: C23/0916/05/LL**

**Date Registered: 25/10/2024**

**Application Type: Full**

**Community: Llanfrothen**

**Ward: Glaslyn**

**Proposal: Application for the use of land for storing and treating and recycling inert/non-hazardous waste arising from works related to the Eryri Visual Impact Provision (SVIP) Project**

**Location: Chwarel Garth, Minffordd, Penrhyndeudraeth, LL48 6HP**

**Summary of the Recommendation: To approve with conditions**

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## **1. Description:**

- 1.1 This is an application for a waste transfer station within Garth Quarry to accept, store, treating and processing inert waste arisings from the Eryri (Snowdonia) Visual Impact Project (SVIP).
- 1.2 Garth Quarry is located 700m north of Minffordd, off the A497 (T), 1.6km west of Penrhyndeudraeth and 2.8km east of Porthmadog. At its nearest point, the Snowdonia National Park lies 2km to the northeast of the Quarry. The Glaslyn Site of Special Scientific Interest (SSSI) surrounds all but the southeastern quarter of the quarry boundary with the Meirionnydd Oakwoods SAC located along the western boundary and occupying land to the north and south of the site.
- 1.3 The proposed inert waste recycling operations will be for a temporary period to coincide with the SVIP, located in the southwestern portion of the quarry, near existing crushing activities and will utilise the existing infrastructure (haul routes, weighbridge, offices, highways access).
- 1.4 Garth Quarry has been operational for decades producing high specification roadstone and asphalt and is subject to an existing planning permission for mineral operations until 2042.
- 1.5 The imported materials will be restricted to inert waste arisings from the SVIP. The SVIP is a project undertaken by the National Grid with the aim of reducing the visual impact of overhead lines across the Dwyrdd Estuary. A section of 400kV overhead lines between the Garth Sealing End Compound (SEC) near Minffordd and Llandecwyn/Cilfor will be replaced with tunnelled cables. Tunnel head houses have been granted permission at each end of the proposed tunnel and the necessary consents are already in place for this. This proposal is to deal with the waste arisings only.
- 1.6 The proposal has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and does not require an Environmental Impact Assessment (EIA).

## **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**

Strategic Policy PS 1: Welsh Language and Culture

Strategic Policy PS 5: Sustainable Development

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Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change  
 Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy  
 Strategic Policy PS 19: Conserving and/or Enhancing the Natural Environment  
 Strategic Policy PS 21: Waste Management  
 Strategic Policy PS 22: Minerals  
 Policy AMG 2: Special Landscape Areas  
 Policy AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the Local Landscape Character  
 Policy AMG 5: Local Biodiversity Conservation  
 Policy AMG 6: Protecting Sites of Regional or Local Significance  
 Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens  
 Policy PCYFF 2: Development Criteria  
 Policy PCYFF 4: Design and Landscaping  
 Policy PCYFF 6: Water Conservation  
 Policy TRA 2: Parking Standards  
 Policy TRA 4: Managing Transport impacts  
 Policy GWA 1: Provision of Waste Management and Recycling Infrastructure

Policy MWYN 1: Safeguarding Mineral Resources  
 Policy MWYN 5: Buffer Zones Around Mineral Sites  
 Policy MWYN 9: Restoration and Aftercare

#### 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 – 2024)

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

TAN 11: Noise

TAN 15: Development and flood risk

TAN 18: Transport

TAN 21: Waste

TAN 24: The historic environment

### 3. **Relevant Planning History:**

- Application under the Environment Act for the determination of conditions under Periodic Review granted permission on 16/04/2018 under reference C16/1385/05/MW.
- Prior approval of the Mineral Planning Authority dated 10th January 2011 under Part 19, Class B to Schedule 2 of the General Permitted Development Order 1995 for the Proposed Layout of Replacement Offices, Quarry Reception and Stocking Area and water attenuation ponds to enable the surface water discharge to be treated in accordance with Environment Agency licence requirements. Revised layout required on account of the proposed by-pass cutting across the current operational area.
- Planning permission C10M/0116/05/MW granted retrospective approval on 28th October 2010 for the erection of a replacement asphalt plant and associated hot bins.

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- Planning permission ref; 5/76/198C approved on 4th April 1999 under the provisions of the Planning and Compensation Act 1999, for the determination of conditions & scheme of working as per Interim Development Order Permission '538' dated 6th February 1948.
- Planning permission 5/76/198A for a stockyard area, quarry haul road and ancillary processing and plant area was granted subject to conditions on 20th August 1993 and covers three areas A, B & C that lie outside, but adjacent to the IDO area.
- Planning permission 5/76/198B for the construction of a new access road was granted subject to conditions on 10th September 1992, but never implemented.
- Planning permission 5/76/198 for the construction of a materials testing laboratory was granted subject to conditions on 10th September 1990.
- A new asphalt plant was deemed permitted on 24th July 1989, under Class B of Part 19 to Schedule 3 of the Town and Country Planning General Development Order 1988, subject to a condition imposed to reduce the injury to the amenity of the neighbourhood restricting the working hours of the plant.

#### 4. Consultations:

Llanfrothen Community Council:

Response received on 17/11/2024:

I'm writing on behalf of Llanfrothen Community Council to say that we support this application.

Porthmadog Town Council:

Response received on 13/11/2024:

At their meeting on 12.11.24 Porthmadog Town Council discussed the above planning application. It was decided to declare NO OBJECTION.

Penrhyndeudraeth Town Council

Response received on 30/10/2024:

No objection.

Transportation Unit:

Response received on 31/10/2024:

I note the site is located on the A487 Trunk Road, and therefore I do not propose to make a recommendation.

Public Rights of Way Unit

Water and Environment Unit:

Response received on 18/11/2024:

Thank you for the consultation below. The development site is within a C2 flood zone and because of this we will leave NRW to offer comments on flood risk issues facing the development. Otherwise, this unit has no further comments to offer.

Natural Resources Wales:

2<sup>nd</sup> Response received on 12/12/2024

Thank you for consulting Natural Resources Wales on your Habitats Regulations Assessment for the above development, which we

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received on 11/12/2024.

In consideration of the mitigation measures detailed we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the Meirionnydd Oakwoods and Bat Sites Special Area of Conservation.

Response received on 15/11/2024:

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 30 October 2024.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition 1: Land Contamination

Please note, without the inclusion of this condition, we would object to this planning application. Further details are provided below.

**Land Contamination**

The proposed scheme forms a small part of a wider existing quarry site. It is considered that any risks could be appropriately managed via suitable pollution control measures. We advise you should only grant planning permission for this scheme if the condition listed below is attached to the planning permission.

**Condition 1:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be carried out as approved.

**Justification:** To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future

users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM);
2. Refer to 'Development of land affected by contamination: A guide for developers' (WLGA, 2023) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as

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human health;

3. Refer to groundwater protection advice on [www.gov.uk](http://www.gov.uk).

### **Protected Sites**

#### **Special Area of Conservation**

The application is located within 100m of the Meirionnydd Oakwoods and Bat Sites Special Area of Conservation (SAC). From the information provided, we consider that the proposal may affect the SAC site and have identified pollution as a potential impact pathway to features of the site. However, we consider the above pathway would not result in an adverse effect if the developer adheres to standard pollution prevention guidelines. We consider the proposal is unlikely to affect lesser horseshoe bat roosts or their foraging/commuting lines. Our advice is provided on the understanding that the proposal does not include the removal of any trees and is for the storage of materials on an existing working area only. We would ask to be reconsulted should this not be the case.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on a SAC site, either alone or in combination with other plans or projects, an appropriate assessment must be made of the implications of the project for that site in view of its conservation objectives.

#### **Site of Special Scientific Interest (SSSI)**

NRW consider the proposals have the potential to impact upon the Ysbyty Bron y Garth SSSI and Glaslyn SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

#### **Flood Risk**

The application site is partly within Zone C2 of the Development Advice Map (DAM) contained in TAN15 (2004) and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and within Flood Zone 3 Sea. We have reviewed the Flood Consequence Assessment (FCA) and Drainage Statement by Waterco (Rev. 0;1 dated 8 March 2024) and we can confirm that the FCA demonstrates that the proposal is compliant with TAN15: Development and Flood Risk with regards to flooding from rivers and/or sea. Please be aware that the Lead Local Flood Authority/SuDS Approval Body (both Gwynedd Council) will need to provide advice on surface water management arrangements. To assess the flood risk from the river Glaslyn and tidal risks from the

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sea, the FCA has used a hydraulic model form 2014 which was sourced from Natural Resources Wales. We are currently reviewing the hydraulic modelling for the area as part of our Porthmadog Flood Risk Management Project, and we may be updating our flood maps accordingly. However, for the purpose of this proposal, we are satisfied with the FCA in its current form as it reflects the flood risk associated with the site (which already benefits from a less vulnerable use – fig.2 TAN15).

### **Protected Species**

Please see our advice in relation to bats above. We note that there is no information about other protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

### **Pollution Prevention**

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the NetRegs website. All fuel, oil and chemicals used on site should be stored away in a locked store which is bunded to 110% capacity of the total volume stored. An oil spill kit should be available on site for dealing with any oil spill. All staff on site should be aware of its location and trained.

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in its use. GPP 22: Dealing with spills. Should pollution occur, Natural Resources Wales should be notified immediately on 03000 653000. This would include runoff off from excavated soils: GPP 21: Pollution incident response planning.

### **Permitting**

There is already a SR2008No9 permit for the management of inert wastes and unpolluted soil resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries, at mines and quarries at the site. This permit would not cover the proposed new activity and therefore a new waste permit will need to be obtained. Due to the proximity of the SSSI and SAC it will need to be a bespoke permit as we do not believe the operator will be able to comply with the standard rules risk assessments.

risk assessments.

### **Other Matters**

Our comments above only relate specifically to matters included on

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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 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:

No response received at the time of writing the report

Public Protection Unit:

No response received at the time of writing the report

Biodiversity Unit:

Response received on 03/12/2024:

This proposal is within an existing and active quarry and will not result in the loss of habitat because it is on existing hard standing.

This proposal includes an area within the quarry that is part of an important Lesser Horseshoe flight path. It is essential that the works do not use additional flood lights or any external lighting that would create a barrier to LHS Bat flight paths. During the spring, summer and autumn LHS bat are very active, and the use of lighting should be restricted and not used after sunset. It is located within 100m of the Meirionnydd Oakwoods and Bat Sites Special Area of Conservation (SAC), which includes the Glaslyn River and the alder and ash woods along it as well as the population of LHS Bats.

The development must submit a pollution prevention plan, to ensure that all measures are taken to avoid any pollution entering water courses and the Glaslyn.

Cyngor Gwynedd as the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), has a duty to carry out the test of Likely Significant Effects for the proposed development. This proposal is within an active quarry and the proposed works are unlikely to impact on the features of the SAC however measures must be in place to ensure this such as a pollution prevention plan and restricted lighting. I therefore recommend the following conditions:

- A pollution prevention plan must be submitted before any works commence.
- A lighting plan must be submitted before works commence.



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North and Mid Wales Trunk Roads Agency: Response received on 21/11/2024:  
I refer to your consultation of 30/10/2024 regarding the above planning application and advise that the Welsh Government as highway authority for the Default trunk road does not issue a direction in respect of this application. If you have any further queries, please forward to the following Welsh Government Mailbox  
NorthandMidWalesDevelopmentControlMailbox@gov.wales\_

CADW: No response received at the time of writing the report

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 no comments from the public.

## 5. Assessment of the material planning considerations

### Principle of development

- 5.1 In the context of waste policy, waste should be treated as high as possible with the targets of the Waste Hierarchy by reducing the production of waste and diversifying waste from landfill sites and treating it as sustainably as possible by recycling and reusing where possible. In order to try to meet these targets the Welsh Government has adopted the document "Towards a Zero Waste Future" which sets strict targets on waste processing as high as possible in accordance with the Waste Hierarchy. Additionally, sections 5.11 through 5.13 of Planning Policy Wales and Technical Advice Note 21: Waste reflects the aims of the Government's national waste strategy "Towards a Zero Waste Future" and the Collections, Infrastructure and Markets Sector Plan.
- 5.2 Much like waste policies and targets, emphasis is placed on mineral planning policies to promote the use of secondary/alternative aggregate in order to reduce the dependence on primary aggregate: Especially so in order to meet lower standard requirements such as general fill where no primary aggregate is required. This process also helps to protect the hard rock land bank of the county and the region.
- 5.3 The principle of establishing a waste management facility should focus on strategic policy PS 21: Waste Management, policy GWA 1: Provision of Waste Management and Recycling Infrastructure a GWA 2: Waste Management and Allocated Sites of the JLDP, PPW and TAN 21: Waste.
- 5.4 Although the site does not appear in policy GWA 1 land and property allocated for the provision of waste management infrastructure the policy however further states that *"In addition to the above allocated sites, waste management and recycling infrastructure excluding in landfill and open windrow composting maybe be acceptable on existing industrial estates, quarries and brownfield sites. Proposals for waste management and recycling infrastructure (which are not proposed on the above allocated sites) will be assessed on their own merit provided that there is*

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*a justifiable need for the development. The justifiable need should refer to the local need as specified within the Municipal Sector Plan and Collections Infrastructure and Markets Sector Plan (CIMSP). Any new development must be suitable in terms of size and scale and must not have an adverse impact upon the landscape the natural environment or the amenity and health of the local population. All new proposals for Waste Management facilities should be accompanied by a Waste Planning Assessment (As defined in Annex B of TAN 21, Waste).”*

5.5 The need for the development has stemmed from the proposed shaft and tunnel construction of National Grid’s SVIP development. National Grid’s SVIP development ‘Outline Waste Management Plan’ indicated a preliminary estimate of 243,596 tonnes of waste material generated from the shaft and tunnel excavation. The proposal is for the management (store, treat and recycling) of the SVIP generated inert waste material and will not extend to any other sources of waste material. Information submitted with the application proposes a slightly higher total of 250,000 tonnes (to accommodate for any discrepancies in the preliminary estimation) of material imported to the site at an annual rate of 75,000 tonnes which would equate to 3.3 years. In terms of the current nature of the site, it is an active operational quarry (with permission currently in place until 2042) with existing quarry infrastructure and direct vehicle access to the A487 Trunk Road. The proposal site is located within 300m and 2.5km from the source of the waste arisings (the two tunnel ends)

5.6 In addition to GWA1, waste management proposals must conform with the criteria in GWA 2: Waste Management and Allocated Sites and requires proposals to conform with the following criteria:

1. *Allocated sites are either unavailable or unsuitable for the proposed activity;*
2. *There are no suitable sites within the development boundary;*
3. *The proposal will have incorporated measures to mitigate impact upon the environment and the health and amenity of the local population;*
4. *The proposal is of an appropriate scale and nature in terms of the site and its surroundings;*
5. *The proposal wouldn’t have an adverse impact upon the natural environment and heritage value of the area;*
6. *The development and any associated traffic do not result in unacceptable disturbance to local communities, through noise, smell, vibration, smoke or air pollution.*

*Each proposal will be considered on a case-by-case basis, taking account of factors including the nature, type, size, need and location of the development.”*

5.7 There are no allocated sites within closer proximity to the SVIP development and none in the immediate vicinity of the proposal that could accommodate the volumes of waste material generated within its existing infrastructure in the short term. The proposal will utilise existing infrastructure and operate under the existing and established conditions of Garth Quarry. Physical changes to the quarry will be a minimum as there are no proposed fixed buildings, plant or machinery with the development essentially restricted to an additional source of material (waste)

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that is processed. There will be no alterations to the vehicle access as the site already benefits from existing vehicle access directly to the A487 Trunk Road.

- 5.8 The proposed development is not for a long term or permanent waste management site, but a short-term solution for the recycling of inert waste arisings from a specific construction project.
- 5.9 In addition to local policies, recycling and recovery are also a solution to the waste problems towards the top of the waste hierarchy, and by optimising recycling of inert waste, the proposal will contribute to the national waste strategy targets. The requirements of Technical Advice Note 21: Waste outlines the need to develop a sustainable network of waste treatment facilities, emphasizing the need to provide facilities to reuse and recycle waste. National planning policy planning policy, including sections 5.11 through 5.13 of Planning Policy Wales and Technical Advice Note 21: Waste reflects the aims of the Government's national waste strategy "Towards a Zero Waste Future" and the Collections, Infrastructure and Markets Sector Plan.
- 5.10 Paragraph 5.3.12 of the PPW stipulates that; *"recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework."* As noted above, the SVIP development will generate significant volumes of inert waste that will need to be transported to appropriate sites to be managed. The creation of short-term/temporary facility at an operational quarry will meet this proximity principle and supplement the sites existing aggregates supply.
- 5.11 Policies MWYN 1: Safeguarding Mineral Resources and MWYN 5: Buffer Zones Around Mineral Sites are relevant for any non-mineral development within these areas that might compromise or hinder mineral extraction. In this particular scenario, the proposal would temporarily utilise existing infrastructure at the mineral site in order to recycle inert waste to a secondary aggregate. The site area would partially overlap part of the future extraction areas of the quarry. The development is situated away from the current active mineral extraction area(s) with phased approach of extraction not requiring reaching the southwestern corner of the quarry until it's final phase.
- 5.12 The development will need to be conditioned to ensure sufficient control is retained over the proposal where the use is specific to and limited to waste arisings from the SVIP. Furthermore, in the event of the SVIP not being implemented or cancelled, this development will not be required, and the site will remain under the terms of the extant mineral permission. It is important to time limit the proposal so as not to overrun and compromise the mineral extraction in the final phase or restoration under the mineral permission. It is considered therefore that any planning permission granted should be subject to the following requirements:
- The duration of the permission limited to 5 years (to allow for any delays during the SVIP construction) from the notification of commencement with operations involving the import of waste.
  - Nothing other than inert excavation waste materials from the SVIP development, shall be imported to the site.
  - Condition to ensure that if the mineral operations cease, the waste recycling must also immediately cease. Temporary permission will terminate in the event of premature cessation of mineral operations of the quarry so as not restrict or delay restoration of the site.
- 5.13 It should be noted that an application to develop an inert waste recycling facility meets the requirements of local policies GWA 1 and GWA 2, the PPW and TAN 21: Waste. Although the

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principle is acceptable, reasons and material issues related to the site and the wider area must also be considered before deciding on the case.

### **Visual amenities and landscape**

- 5.14 The application area falls within the established operational Garth quarry located immediately north of the A487 Trunk Road around 1.6km west of Penrhyndeudraeth and 2.8km east of Porthmadog. Immediately west of the quarry boundary lies the Glaslyn River and floodplain. In terms of landscape designation, the site is located entirely within the Special Landscape Area of the ‘Glaslyn and Dwyryd Estuary Landscapes’ and ‘Landscape of Outstanding Historic Interest of ‘Aberglaslyn’. Policies PCYFF 3, AMG 2 and AT 1 of the JLDP are relevant to visual and landscape impacts in this particular location.
- 5.15 As previously discussed in this report, the proposal would involve minimal physical alterations to the site. The development would utilise existing infrastructure at an established quarry with valid planning permission that would run beyond the temporary period that is requested. Inert waste material will be stored and processed/recycled near existing mineral product stockpiling areas that is currently used to store various plant, machinery, equipment and apparatus ancillary to the quarrying operations. The inert waste will be processed/recycled using mobile plant and machinery.
- 5.16 The proposal will not result in any visual impact that would be materially different to that of the existing permitted mineral operations of Garth Quarry. As such, it is not considered that the proposal would materially affect the landscape character of the area given the proximity of the proposal to existing and historic quarry works and the landscape that it set within. Therefore, the proposal will comply with the requirements of the planning policies PCYFF 3, AMG 2 and AT 1 of the JLDP.

### **Noise, vibration, air quality, general and residential amenities**

- 5.17 The closest residential properties to the application boundary are located 200m east (Plas Newydd, Minffordd) and 200m south (the village of Minffordd). In terms of the quarry layout, areas closest to residential properties include product stocking areas, offices and welfare units, weighbridge, parking areas and vehicle access to the A487. The processing areas are located in the western portion of the quarry that are approximately 450m away from the nearest residential properties.
- 5.18 Garth Quarry is currently subject to host of conditions relating to noise, vibration, air quality and working hours. The intention is to restrict the proposal to the same working conditions to ensure consistency with that of other operations within the quarry.

Working hours will be restricted to the following;

- 06:00 – 20:00 hours Mon to Fri
  - 06:00 – 17:00 hours Saturday
  - 06:00 – 13:00 hours Sunday (Maximum 15 Sundays per year).
  - Temporary operations restricted to 07:00 to 19:00 other than in an emergency.
- 5.19 Noise levels shall be restricted to not exceed the LAeq,1 hr free field level shown in Schedule 1 (daytime & nighttime periods). Temporary operations, which may exceed the criterion levels set out in Schedule 1 above, shall be notified in advance to the Mineral Planning Authority and shall not exceed 67 dB LAeq, 1-hour, free field for longer than a total of eight weeks in any 12-month

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period without the prior approval of the Mineral Planning Authority. The quarry is currently subject to a noise monitoring survey report each 12-month period under its mineral permission, the proposal will be subject to the same requirement albeit it will be practical for a single report/survey to be submitted covering all operations.

- 5.20 Conditions will be placed regarding best practice operation of vehicles, plant, machinery and equipment so as to avoid any unnecessary noise and dust mitigation techniques already in place and conditioned under the mineral's permission. 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, Public Rights of Way and Common Land**

- 5.21 The proposal would utilise existing vehicle access to the A487 Trunk Road, internal haul roads, weighbridge, wheel wash and parking facilities of Garth Quarry. The quarry's mineral permission does not specify any restriction on vehicle movements other than working hours.
- 5.22 The volume of traffic using the local highway network would be generated regardless of the outcome of this proposal as the SVIP development will need to transport inert wastes from the construction compound at Minffordd to an approved waste management site. As mentioned earlier, the secondary or recycled aggregates produced from the imported inert wastes will be exported in tandem with existing mineral products.
- 5.23 A response has been received from the North and Mid Wales Trunk Road Agency confirming that they do not issue a direction in relation to the proposed development. To this end, it is considered that the proposal will have no adverse impact or changes to the public highway network and parking standards and complies with policies TRA 2 and TRA 4 of the JLDP and TAN 18.

### **Flooding, Hydrology and Hydrogeology**

- 5.24 The western most portion of the proposal site falls within Zone C2 of the Development Advice Map (DAMs) and Flood Zone 3 Sea of the Flood Map for Planning (FMfP). An inert waste management facility is defined as a less vulnerable development for the purposes of TAN 15 therefore the proposed use can be acceptable if the proposal conforms with the justification tests contained within TAN 15.
- 5.25 The site in question is currently an operational quarry subject to planning conditions that require restoration of the site by 2044, or in the event of earlier premature cessation of mineral operations. In this particular scenario, the proposal is for a temporary operation that would utilise the existing quarry infrastructure. As discussed earlier, the proposal will be temporary and time restricted and will terminate in the event of premature cessation of mineral operations of the quarry so as not restrict or delay restoration of the site. Therefore, the land in question can be considered Previously Developed Land (PDL) whilst the quarry remains operational and the need to restore the site to greenfield status has yet to materialise and therefore, does not undermine the test in TAN 15.
- 5.26 A Flood Consequences Assessment (FCA) has been submitted with the proposal and assessed by NRW. NRW have confirmed that the information contained within the FCA demonstrates that the proposal is compliant with TAN 15 in terms managing flood risks noting that the site already benefits from a less vulnerable use. The development also complies with the other justification

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tests as it complies with all other policies within the local plan as discussed elsewhere in this report.

- 5.27 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 JLDP.

### **Ecological and biodiversity matters**

- 5.28 The proposed application site is located in close proximity to the following ecological designations:

- Special Area of Conservation (SAC) of ‘Meirionydd Oakwoods and Bat Sites’
- Site of Special Scientific Interest (SSSI) of ‘Glaslyn’

- 5.29 As the proposal is within an existing and active quarry there will be no direct loss of any habitat(s). The local authority’s biodiversity officer has noted that part of the quarry is part of a flight path for the Lesser Horseshoe bat and recommend no additional flood lights or external lighting that would create a barrier to their flight paths.

- 5.30 In light of the Biodiversity Units and NRW’s comments, predevelopment commencement conditions will be required for the following;

- Lighting plan to avoid any effects on bat flight paths.
- Pollution Prevention Plan to ensure that all measures are taken to avoid any pollution entering water courses and the Glaslyn.

In addition to these recommended conditions, the development would be subject to a condition requiring monitoring and control of invasive plant species for the duration of the permission.

- 5.31 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. No green infrastructure statement has been submitted with the proposal changes however biodiversity enhancement measures can be conditioned to the permission. To this end, changes to the PPW have been considered and in this case, they do not raise any new matters that have any material influence on the recommendation.

- 5.32 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**

- 5.33 Cyngor Gwynedd as the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), has a duty to carry out the test of Likely Significant Effects for the proposed development. 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 as the proposal is within an active quarry and the proposed works are unlikely to impact on the features of the SAC or SSSI, subject to the appropriate conditions for mitigation measures. Given this information, NRW have agreed that a full Habitats Regulation Assessment is not required.

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### **Archaeology and cultural heritage**

- 5.34 There are no designated heritage features within the quarry, the closest being the Scheduled Ancient Monument of the 'Ty'n y Berllan Settlement' (number ME096) within 470m (approximately) east of the proposal boundary. The application area falls within the 'Aberglaslyn' Landscape of Outstanding Historic Interest.
- 5.35 As previously discussed in this report, the proposal would involve minimal physical alterations to the site. The proposal will not result in any visual impact that would be materially different to that of the existing permitted mineral operations of Garth Quarry. As such, it is not considered that the proposal would materially affect the Landscape of Outstanding Historic Interest or Scheduled Ancient Monument.
- 5.36 It is considered that the proposal will have not have a 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**

- 5.37 Criterion 1 (a) of strategic policy PS 1 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". In this instance, the proposal does not include any physical alterations to the site or changes to the existing work force.
- 5.38 Diagram 5: Policy PS1 of the Supplementary Planning Guidance 'Maintaining and Creating Distinctive and Sustainable Communities' elaborates on the requirements of policy PS 1 'The Welsh Language and culture'. As the proposal constitutes an industrial process/use without any floor area/50 additional workers, the diagram notes that the only requirement is to consider criteria 4 and 5 of the policy which requires proposals to incorporate bilingual signage schemes and the use of Welsh names for new developments, house and street names.
- 5.39 Given that the application site's name is bilingual and with bilingual signage already in place it is considered that the only reasonable condition be used in this circumstance is to retain the signage for the duration of the development.
- 5.40 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 Maintaining and creating distinctive and sustainable communities.

### **Other matters;**

- 5.41 NRW have advised that they require a condition be placed on any permission that a remediation strategy is required in the event of previously unidentified contamination is found at the site.

### **6. Conclusion:**

- 6.1 This is an application for a waste transfer station within Garth Quarry to accept, store, treating and processing inert waste arisings from the Eryri (Snowdonia) Visual Impact Project (SVIP). The proposal is acceptable in principal and supported by policies GWA 1 and GWA 2 of the JLDP, the PPW and TAN 21: Waste.

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- 6.2 Due to the proposals location within an operational quarry subject to 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 on visual and residential amenities.
- 6.3 The proposal would have no negative impacts in terms of traffic movements, ecology, flood risk, or heritage.

## 7. Recommendation:

7.1 To approve the application, subject conditions relating to the following:

1. Development to commence within 12 months of permission date.
2. Development permitted to cease within 5 years of notification of commencement. The development hereby permitted shall cease immediately in the event of early or premature cessation of the winning and working of minerals at the site (Garth Quarry).
3. In accordance with plans and submitted details.
4. Nothing other than inert waste excavation material from the SVIP development shall be imported to the site.
5. Operator/developer shall provide log of material imported to the LPA within 10 days of request (information to contain origin, tonnage, description of material, date and times of movement and fate).
6. Restriction of relevant GPDO rights for buildings, structures, private ways, floodlighting, fencing etc.
7. Mark boundary of permitted area prior to commencement.
8. Biodiversity enhancement agreed prior to commencement
9. Copy of determination and approved plans to be shown at the Garth Quarry site office.
10. Hours of working (to match mineral permission).
11. Oil, fuel and chemical storage on impervious bases and bunded.
12. Monitor site for presence of non-native invasive species.
13. Noise level restrictions (specific levels to match mineral permission).
14. Noise levels restrictions for temporary operations (specific levels to match mineral permission).
15. Annual noise monitoring/survey.
16. Vehicles, plant and machinery to operate within maximum noise emission levels of manufacturer specification and not operated without appropriate sound deadening screens, casework, enclosures and silencers.
17. 'White noise' reversing alarms for mobile plant and vehicles.
18. Dust mitigation measures carried out in accordance with condition 23 of Mineral Planning Permission (C16/1385/05/MW).
19. Surface of site access to county highway to kept clean and no mud/debris to be deposited on highway.
20. Environmental log of dust complaints kept and to be made available to the LPA within 14 days of request.
21. The import of inert waste material shall be restricted to the use of the existing dedicated haul routes.
22. Loaded vehicles leaving site to be sheeted or treated to avoid emission of dust (for material under 75mm).
23. Condition to retain bilingual signage for the duration of the development.