

PLANNING COMMITTEE	DATE: 28/04/2025
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 4

Application Number: C24/0297/19/LL

Date Registered: 02/12/2024

Application Type: Full

Community: Bontnewydd

Ward: Bontnewydd

Proposal: Application for materials recycling area for soils, construction and demolition waste, erection of recycling plant building, concrete batching plant, creation of new vehicular access and internal haul routes, creation of flood water storage areas, retrospective change of use of land for general storage (B8 Use Class) that includes processing, sawing, packing of mineral materials, retention of workshop building, portacabins and associated parking

Location: Former Seiont Brickworks, Ffordd Felin Seiont, Caernarfon, Gwynedd, LL55 2YL

Summary of the Recommendation: REFUSE

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1. Description:

- 1.1 This is a full application for materials recycling area for soils, construction and demolition waste, erection of recycling plant building, concrete batching plant, creation of new vehicular access and internal haul routes, retrospective change of use of land for general storage (B8 Use Class) that includes processing, sawing, packing of mineral materials, retention of workshop building, portacabins and associated parking.
- 1.2 The materials recycling area, recycling plant building, concrete batching plant and general storage area would be situated on existing large areas of hardstanding previously occupied by the Seiont Brickworks and temporary civil engineering yard associated with the construction of the Caernarfon – Bontnewydd bypass.
- 1.3 The layout of the site on the submitted drawings is annotated to note that the northern portion of the hardstanding area would be a “storage area” (presumed to be the B8 Use Class applied for) with a separate parcel annotated along the western boundary of the site (south of the access bridge) annotated for the same use. The maintenance shed permitted temporarily under planning permission for works associated with the bypass construction would be retained in its existing location. The inert waste material recycling area would be located to the east of the concrete batching facility with a building erected to house a jaw crusher, a separate crusher and screener would be situated in open area adjacent to a stockpiling area for wastes and recycled product bins/stockpiles. An internal haul route is indicated on the annotated drawings showing access from the existing vehicle bridge connecting to Ffordd Melin Seiont and proposed access from Ffordd Waunfawr to a centrally located weighbridge before terminating at the waste processing area. The site plan indicates that this internal haul route would connect on the eastern side of the yard with the proposed vehicle access from Waunfawr Road. Aggregate bins are indicated to be located in area adjacent to the waste stockpiling area and separated from the proposed haul route by an area of land that is not annotated for any specific use.
- 1.4 A new vehicular access to the quarry from Ffordd Waunfawr/A4085 (Class 1 Public Highway) is proposed to the east of Plas Treflan. The existing vehicle access to the domestic property of Plas Treflan would be closed and combined into the new junction layout. A new 700m long (approximately) haul road would link the new vehicle access and other elements of the development located on the site of the former brickworks. The existing vehicular access to the site from Ffordd Felin Seiont is retained.
- 1.5 Following the submission of the application a significant volume of complaints was received by the Minerals Planning Authority of developments/operations on site resulting in the opening of an enforcement case (Reference G24/0155). Following multiple visits to the site and vicinity, evidence submitted by the public and discussions with other departments within the Local Authority and Natural Resources Wales it became apparent the parts of the site was subject to unauthorised development. The exact nature of the development is not entirely clear but from information available to the Mineral Planning Authority at the time of writing this report it appears to include (but not strictly limited to) importation, storage, treatment, processing, packaging and sale/export of minerals, soil, sand and primary or secondary aggregate. This area roughly equates to the area annotated for a change of use to the northern area for B8 Use Class on the application drawings. Additionally, the maintenance shed granted as part of temporary planning permission C17/0011/19/MW and some areas hardstanding appears to be used for contractors unrelated to that of the proposed application.

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- 1.6 In response to the investigation the applicant has amended the wording of the original application so as now refer to the change of use of part of the site to B8 Use Class and continuation of existing processing (sorting selection sawing and packing) of mineral materials (therefore retrospective).

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

- PS 1 Welsh Language and culture
- PS 4 Sustainable transport, development and accessibility
- TRA 2 Parking standards
- TRA 4 Managing transport impacts
- PS 5 Sustainable development
- PS 6 Alleviating and adapting to the effects of climate change
- PCYFF 1 Development boundaries
- PCYFF 3 Development criteria
- PCYFF 3 Design and place shaping
- PS 13 Providing opportunity for a flourishing economy
- CYF 4 New large single user industrial or business enterprise on site not safeguarded or allocated for employment purposes
- PS19 Conserving and where appropriate enhancing the natural environment
- AMG 5 Local biodiversity conservation
- AMG 6 Protecting sites of regional or local significance
- PS 20 Preserving and where appropriate enhancing heritage assets
- AT 1 Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens
- PS 21 Waste management
- GWA 1 Provision of waste management and recycling infrastructure
- GWA 2 Waste management and allocated sites
- PS 22 Minerals
- MWYN 1 Safeguarding mineral resource
- MWYN 5 Buffer Zones around mineral sites
- MWYN 9 Restoration and after care

2.4 National Policies:

Future Wales: The National Plan 2040

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Planning Policy Wales (Edition 12 – February 2024)

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

Technical Advice Note 10: Tree preservation order

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

Technical Advice Note 15: Development and flood risk (2004)

Technical Advice Note 15: Development, flooding and coastal erosion (2025)

Technical Advice Note 18: Transport

Technical Advice Note 20: Planning and Welsh language

Technical Advice Note 21: Waste

Technical Advice Note 23: Economic development

Technical Advice Note 24: The historic environment

3. Relevant Planning History:

- Development of National Significance Reference - CAS-02628-Y1D2Z7, ‘Construction of a 20Mwe STOR (short term operating reserve, referred to as a peaking plant). The development comprises 10 natural gas fueled engines, and associated Infrastructure. The generating sets, switch room, distribution network operator building will all be within a fenced compound of approximately 3300 square meters. Twin cables will be laid in a single trench alongside an existing haul road to connect to an existing 33KV grid connection adjacent to the northern border of the quarry’. Currently undetermined.
- C20/0190/19/AC ‘Application under Section 73 to vary Condition 3 on planning permission C17/0011/19/MW to reach the ground levels agreed in restoration plan no. 3030/16, excavation materials that are surplus to the requirements of the Caernarfon to Bontnewydd bypass project in addition to excavated materials from other sources, shall be deposited at the site in accordance with the NRW permit’. Planning permission refused 20/10/2020.
- C19/0837/19/DA ‘Amendment to condition 28 of planning permission C17/0011/19/MW, details of the foul water facility installed at the site’. Planning permission granted on 11/10/2019.
- C18/0742/19/AC ‘Discharge of conditions 28, 30, 33 and 36 on planning application C17/0011/19/MW, Condition 28 (Details of an above ground mobile storage tank), Condition 30 (Scheme for the control and monitoring of dust emissions), Condition 33 (Construction environmental management plan), Condition 36 (Lighting plan)’. Planning permission granted 26/09/2018.
- C18/0564/19/AC ‘Mitigation measures relating to features which may be used by bats and avoidance of bird nesting season during nesting season March to September (Condition 35) and non-native invasive species survey and programme of works for eradication (Condition 39) – Planning Permission C17/0011/19/MW’. Planning permission granted on 21/08/2018.
- C17/0011/19/MW ‘Application for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including;
Use of land as an extension to the existing site compound area and provision of a maintenance shed, office accommodation, welfare and car parking facilities, fuel store, sewage storage tank,

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mobile concrete batching plant, mobile asphalt batching plant and construction of a haul route (temporary use). Construction of a new haul road on the northern boundary of the existing quarry with temporary connection to the proposed A487 Caernarfon to Bontnewydd bypass route during the construction period. Continued extraction of minerals, removal of material from a mineral working deposit and existing stockpile of materials. Construction of a hard standing and siting of plant machinery for the processing and screening of materials. Disposal of inert waste materials for long-term quarry engineering / restoration works.' Planning permission granted on 04/07/2017.

- C17/0107/19/LL 'Application for temporary planning permission for works associated with the construction of the proposed A487 Caernarfon to Bontnewydd bypass including; Site compound and provision of a maintenance shed, office accommodation, welfare and car parking facilities, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of a haul route.' Planning permission granted on 04/07/2017.
- C15/0977/19/LL granted subject to conditions on 28th October 2015 for the change of use of land for the siting of 3 temporary buildings, parking areas, 2 storage containers together with security fencing in relation to constructing the Caernarfon by-pass.
- C01A/0750/14/TC 'Application for a certificate of lawfulness for the existing use of site as a brick stocking area.' Lawful use granted 06/02/2002.
- C00A/0442/14/MW 'Continuation of use of land for the re-use/dispersion of mineral waste'. Lawful use granted on 09/05/2007.
- C00A/0441/14/MW 'Review of planning permission 390 dated 22 November 1951'. ROMP agreed on 10/05/2007.

4. Consultations:

Waunfawr Community
Council:

Response received 19/07/2024:

Waunfawr Community Council rejects the application below.

1. The level of traffic and the size of the floors to the site and the road not suitable for it.
2. Air and dust pollution
3. Noise pollution
4. Damage to the ecosystem and biodiversity
5. Contributing to Climate Change
6. Risk to the welfare of the next

It must be remembered that this site is very close to Ysbyty Eryri which provides care to and also to houses

and this work would be very disruptive.

Penderfyniad Cyngor Cymuned Waunfawr yw gwrthod y cais isod oherwydd.

1. *Lefel traffic a maint y loriau i'r safle a'r ffordd ddim yn addas ar ei*

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gyfer.

2. Llygredd Aer a llwch

3. Llygredd swm

4. Difrod i'r ecosystem a bioamrywiaeth

5. Cyfrannu at newid hinsawdd

6. Risg i lles y genhedlaeth nesaf

Rhaid cofio bod y safle yma yn agos iawn i Ysbyty Eryri sy'n rhoid gofal i gleifion ac hefyd i dai cyfagos a byddai y gwaith yma amharu arnynt yn fawr iawn.

Bontnewydd Community Council:

Response received on 19/07/2024:

I am writing on behalf of Bontnewydd Community Council. We object to the planning application for the following reasons:

The concrete work will create noise pollution, and also dust to the environment, which will be harmful to people. A number of residents live nearby, including communities in Caernarfon, Ysbyty Eryri, Caeathro, and others in the community of Bontnewydd. The concrete work will lead to a very significant increase in large lorries that will need access to the site. Other new traffic will also require access to the site. We understand that the numbers of lorries can be as much as 1 lorry every 5 minutes, for 10 hours a day, 5.5 days a week. There will therefore be endless traffic every day through Gaeathro and Ffordd Seiont. Ffordd Seiont is narrow, and the road through Caeathro is unpaved (pedestrian pavement) and narrow. There have been accidents on this road, and we believe that the increased use by lorries would increase the risk. Without a pavement, along the road from Caeathro to Caernarfon, we do not believe that the road would be safe at all with the significant increase in heavy traffic. The additional traffic will also cause noise pollution and NO2 pollution. We would appreciate it if you would consider our comments and our concern about the impact this development will have on local residents.

Caernarfon Town Council:

Response received on 17/07/2024:

The committee believes that the development is not compatible with the contemporary community of Caernarfon and its international status as a World Heritage Site. It is likely that the road infrastructure through the residential parts will not be able to cope with the heavy, additional and constant traffic. The impact of the development will possibly adversely affect the enjoyment of residents in their dwellings, to the Roman Age site, Segontium, to the tranquility of Peblig cemetery, hospital, school, rugby club and Town Park. There

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is general concern that noise and dust from the site will cause noise and air pollution. It is felt that the traffic surveys commissioned were dishonest: traffic at the time of construction of the bypass was compared with the proposed traffic from the establishment of the new works. The increase in traffic during the construction of the bypass was a temporary effect and ended with the completion of the bypass. The additional traffic from this work would be permanent. In addition, residents suffered additional traffic for a time. Ultimately, completing the bypass would alleviate the problem of all Porthmadog and Pwllheli traffic driving through the town. The committee is also mindful of the concern and strong feelings against the development from the residents of Seiont Mill Rd and Stad yr Hendre who are the residents of Caernarfon. The committee also notes that there is no shortage of concrete reprocessing provision in the local area.

Transportation Unit:

2nd Response received on 12/11/2024:

I refer to the above development and wish to state that I object on the grounds that the applicant has not demonstrated that the development would not have a detrimental impact upon the highway network.

Visibility Splay

Paragraph 3.2.3 of the Transport Assessment defines the visibility splay from the proposed access as being 45m x 70m in both directions. The plan titled “Waunfawr Road access junction general arrangement” shows the visibility splays to be 4.5m x 110m/2.4m x 112m and 4.5m x 90m/2.4m x 101m. These splays are below standard for a 40mph road, and no evidence or rationale has been provided to demonstrate that the visibility splays would be sufficient. I ask the applicant to clarify what the proposed visibility splay is and demonstrate that this would be sufficient for the nature of the road.

Traffic Generated

I have concerns regarding the validity of data used to assess the impacts upon the local highway network. When estimating the number of additional traffic movements, the existing situation has been defined by using traffic data obtained during the construction of the Caernarfon bypass. The increase in HGV movements associated with the construction of the bypass was accepted as a necessary, but temporary, disruption to the highway network. To conflate the level of HGV movements during the construction of the bypass and the existing level of traffic is a gross misrepresentation of the actual numbers. I ask that the applicant undertakes new traffic surveys, and that the assessment is revised using the newly obtained data.

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Traffic distribution

I have major concerns regarding the impact upon Seiont Mill Road. The application notes that

HGV's using the A487 would use Seiont Mill Road, however no estimate has been provided, nor do they specify which direction of travel on the A487. It was previously stated that all HGVs would use the new access point. I ask the applicant to confirm what control measures will be put in place to ensure no heavy goods vehicles will use Seiont Mill Road.

The traffic capacity assessment has also been informed by the various traffic surveys used for the Caernarfon bypass. No information is offered as to when and where these surveys were undertaken. I ask that new surveys are undertaken, and the location of the surveys are clearly defined.

Not enough information has been provided to determine the likely impact upon the wider local network. I ask that the applicant provides plans showing foreseen traffic routes from both directions of travel on the A487, as well as from the A55. An estimate for the number of movements associated with each route should also be included.

1st Response received on 26/09/2024:

I refer to the above development and wish to state that I object on the grounds that the applicant has not demonstrated that the visibility splay from the proposed access point would be adequate.

Paragraph 3.2.3 of the Transport Assessment defined the visibility splay from the proposed access as being 45m x 70m in both directions. The plan titled "Waunfawr road access junction general arrangement" shows the visibility splays to be 4.5m x 110m/2.4m x 112m and 4.5m x 90m/2.4m x 101m. These splays are substandard for a 40mph road, and no evidence or rationale has been provided to demonstrate that the visibility splays would be sufficient.

I ask the applicant to clarify what the proposed visibility splay is and demonstrate that this would be sufficient for the nature of the road.

Public Rights of Way Unit

Response received on 03/07/2024:

I refer to the above-mentioned application. The route of Public Rights of Way (Footpaths) number 31, 32 and 62 in the community of Waunfawr is affected by the proposed development. With reference to the attached plan, all footpaths cross the proposed new access road into the development site. The proposed site layout indicated that a 3-metre-wide hedgerow will be planted across the route of PROW

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Waunfawr number 31 and a new fence line along the haul route causing obstructions for users of the footpaths. Before any planting or fencing work begins, the applicant must contact the Gwynedd Council Footpaths Team - Llwybrau@gwynedd.llyw.cymru to discuss the appropriate footpath furniture and any path improvement that is noted as a possibility in the Transport Statement.

Natural Resources Wales:

2nd response received on 17/09/2024:

Thank you for consulting NRW on the revised information (Habitats Regulations Assessment), which was submitted to support the above application. We can confirm that our response dated 2nd August 2024 is still valid. We would recommend that you consult your ecologist on the revised information.

If you have any queries, please feel free to contact me.

1st response received on 02/08/2024:

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 27 June 2024. 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 flood risk. If this information is not provided, we would object to this planning application. Further details are provided below. We also advise that based on the information submitted to date, conditions regarding protected species, land contamination, and protected sites should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

d on the information submitted to date, conditions regarding protected species, land contamination, and protected sites should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Flood Risk

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the river Seiont. The site is also located within Flood Zone 2/3 Rivers of the Flood Map for Planning (FMfP). Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we would refer your Authority to the tests set out in section 6.2 of TAN15. If your Authority considers the proposal meets

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the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA (Waterco, Seiont Quarry, Caernarfon, dated February 2024), submitted in support of the application. We have the following comments:

We welcome the proposals to raise the office units and any vulnerable equipment within the recycling facility above flood levels which are outlined within the Recommendations section of the FCA.

We note the section within the FCA – Impact on Flood Risk Elsewhere (p. 17) which states ‘No significant ground raising is proposed as part of the development and any modifications to site levels will be made through cut and fill techniques (no import of material). The development will therefore not remove flood storage space from the floodplain and will not increase flood risk elsewhere.’

There is a history of flooding downstream of the site. While no significant ground raising is proposed, we advise that an assessment is provided of what the impact will be from the development as a whole (21,550m² – see Table 1 of the FCA) and in particular the northern extent of the site which is to be utilised as a storage area (p.6 of the FCA) and the raised modular office units. Materials stored in the storage area (no details of quantities/volumes have been provided) and the raised modular office units will be taking up the space within the floodplain (where water would normally be) during extreme flood events.

A blockage of the bridge has been modelled as requested in our previous response to the statutory pre-application consultation (letter dated 12/1/2024, our reference CAS-244456- Q9R4). We note the model became unstable and as such only a 25% blockage has been modelled rather than the 80% blockage we advised. Nevertheless, we note that in accounting for climate change the higher value of 75% (in addition to 30%) has also been modelled. It could be considered that this goes some way towards addressing the reduced blockage value and as such we do not advise the 80% blockage of the bridge previously requested.

If no assessment of any impact that the development as a whole may have on third parties is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if

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you are minded to grant permission for the application contrary to our advice. As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Protected Species

We note that the ecological report submitted in support of the above application (dated 27 November 2023, by Eco-scope Ecological solutions) has identified that bats and otters are present at the application site. Surveys undertaken within the quarry (in advance of works to the Caernarfon bypass) between 2009 and 2016 concluded that Lesser Horseshoe, Brown long eared, Common Pipstrelle, Soprano Pipstrelle, Myotis and Noctule bats were present within the vicinity of the quarry site. From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

We previously had concerns in our statutory pre-application consultation, as to whether the vegetative border to the south of the site will be directly impacted by the development. However, the applicant has confirmed within the Pre-Application Consultation Report Cadnant Planning, 2021.058_07, April 2024, that the woodland habitat to the south of the application site, used by bats, is outside the application boundary and will not be directly affected. We advise that protective measures to ensure that the woodland habitat is not directly affected be agreed to the satisfaction of the LPA (see condition 4 below). We also advise that landscaping details, and provision of ecological enhancements on site, are agreed to the satisfaction of the LPA.

We also advise that a condition to control the lighting on site is included with any permission afforded to the scheme. The lighting plan should ensure that dark flight lines for bats and commuting corridors for otter are provided and to ensure sensitive features of the site will not be lit (woodland fringes).

We therefore advise you to include the following condition within any permission:

Condition 1 - Prior to its installation, full details of lighting shall be

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submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- *Details of the siting and type of external lighting to be used*
- *Drawings setting out light spillage in key sensitive areas*
- *Drawings clearly showing all areas of 'Dark zone' within the site.*
- *Details of lighting to be used both during construction and/or operation.*

The lighting shall be installed and retained as approved during construction and/or operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, habitats, commuting corridors.

We also welcome that enhancement works are proposed to the Lesser horseshoe hibernation roost within the building to the south of the development boundary, and we would advise these measures, where possible, are secured through appropriate agreement with the LPA. Such works would be subject to separate European Protected Species licence from NRW.

Land Contamination

Given the historic uses of the site we do have reason to strongly suspect that contamination is present, and a preliminary risk assessment has now been submitted. The submission includes a Site Condition Report and Ground Contamination Investigation and Risk Assessment, e-geo solutions, Report reference E0756.SCRGCRA.R1, January 2016. Based on the report, we would advise you to include the following conditions on any planning permission granted:

Condition 2 - *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 Local Planning Authority) 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 Local Planning Authority. 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. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development*

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phase is dealt with appropriately.

Condition 3 - *No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.*

Justification: *To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.*

Protected Sites

We have concerns that a significant effect from the proposed development on the Menai Strait and Conwy Bay Special Area of Conservation (SAC) cannot be ruled out. The proposed development is located within 2 kilometres metres of this SAC.

NRW have identified potential pollution pathways to features of this site. These pathways may not result in an adverse effect if an Environmental Management Plan (EMP), covering the construction and operational phases, is agreed as a condition of any planning permission.

Condition 4 – Protected Sites - *No development, including site clearance, shall commence until a site wide Environmental Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP should include:*

- *Construction methods: details of materials, how waste generated will be managed;*
- *General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.*
- *Biodiversity Management: details of tree and hedgerow protection; species and habitats protection, avoidance and mitigation measures, as well as details of proposed landscape planting / ecological habitat provision A site-wide Biosecurity Risk Assessment to include measures to control, remove or for the long-term management of invasive species both during construction and operation.*
- *EMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.*
- *Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control*

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measures; measures to control light spill and the conservation of dark skies.

- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use*
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities*
- Pollution Prevention: demonstrate how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.*
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.*
- Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.*

The EMP shall be implemented as approved during the construction and operational phases of the development.

Justification: *A EMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.*

Should the Local Planning Authority also conclude that the proposed development is likely to have a significant effect on the European site, we would look forward to being consulted on their appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Waste Planning

The applicant has confirmed a maximum of 75,000 per annum input within the Pre-Application Consultation Report, Cadnant Planning, 2021.058_07, April 2024. Your Authority will be aware that TAN 21 Waste (February 2014) requires any application for waste facilities classified as disposal, recovery or recycling to be supported by a Waste Planning Assessment. We note that such an assessment has been provided in section 3.6 of the Environmental Statement accompanying the application.

Foul Drainage

We welcome that the foul drainage will be connected to the main sewer. We have no further comments in this regard.

Waste:

The site has an existing Tier 3 bespoke Environmental Permit to permanently deposit inert waste. This was used to deposit excavations from the construction of the Caernarfon bypass. The

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existing planning permission at the site prevents waste streams produced other than from the bypass being deposited under the permit.

For the proposed new transfer and treatment operation the site operator will need to apply for a new Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

<http://naturalresources.wales/permits-and-permissions/check-for-a-permit-licence-or-exemption/?lang=en>

The applicant should contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000.

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL: AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on-site operations are clear.

If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays. Jones Bros. Ruthin (Civil Engineering) Co Limited are the holders of the existing permit. Refence is made to a separate company – Seiont Limited for this consultation. It is unclear who the proposed ‘operator’ of the new operation will be.

Dŵr Cymru:

Response received on 17/07/2024:

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

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development.

ASSET PROTECTION

We would advise that the site is crossed by trunk and public watermains with their approximate positions being shown on the attached plans. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to the proposed site plans, it would appear that the proposed access road would cross the trunk and public watermains and be located within their easement measured 6 metres either side of the centreline. We would advise that further investigations are required, and measures put in place to ensure that our assets are suitably protected and that our access is maintained. Therefore, we request that this be controlled by means of a condition outlined below. Turning towards drainage matters, we note it is proposed to communicate foul flows via the public sewerage system and discharge surface water runoff into an existing watercourse. We note it is proposed to utilise an existing foul connection.

In light of the above, we would kindly request that if you are minded granting Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to the existing residents or to the environment and to Dŵr Cymru Welsh Water's assets.

Conditions

No development shall take place until details of a scheme to protect the structural condition of the trunk and distribution watermains crossing the site have been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the trunk and distribution watermains. No other development pursuant to this permission shall be carried out until the approved protection measures have been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason: To protect the integrity of the public watermain(s) and avoid damage thereto.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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Public Protection Unit:

Water and Environment Unit
(YGC):

Response received on 15/07/2024:

The development is located partly within a C2 flood zone. As such we shall allow NRW to comment upon the flood risk matters.

As of January 7th, 2019, all new developments of more than 1 property or where the construction area with drainage implications is 100m² or more, will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

These systems must be approved by Gwynedd Council acting in its role as a SuDS Approving Body (SAB), before construction work begins. The SAB will have a duty to adopt compliant systems which serve more than one property so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work. No drainage details have been provided and until an application is made to the SAB there remains some uncertainty whether the proposed site layout would enable full compliance with the suite of national SuDS standards. As such early consultation with the SAB is recommended.

<https://www.gwynedd.llyw.cymru/en/Residents/Planning-and-building-control/Planning/Sustainable-Drainage-Systems.aspx>

Gwynedd Archaeological
Planning Service:

Response received on 27/06/2024:

Thank you for consulting us on the above application. Having reviewed the submitted information against the regional Historic Environment Record (HER) and the relevant planning files, I am able to advise as follows.

The submitted plans indicate that the new access onto the A4085/Ffordd Waunfawr would cut across the eastern side of the property known as Plas Treflan. Plas Treflan dates from the mid-late 19th century, being first recorded on the 1889 Ordnance Survey

map and replacing the property of Tre Llanbeblig, which is depicted on the tithe map of 1841. The 1889 map and subsequent editions show Plas Treflan as an L-plan house with outbuildings, set in landscaped gardens bounded by tree belts, much as it is today.

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Although the property is not listed, it is typical of the affluent properties that developed around the periphery of Caernarfon during this period and can be regarded as contributing to the historic landscape character of the area.

The Pre-Application Consultation report summarises our pre-application comments of 7th February 2024. These noted the desirability of minimising impact on the undesignated historic property of Plas Treflan, through reuse of existing pillars and gates and sympathetic integration of new walling with the existing boundary wall. This is still appropriate and has also been highlighted in the submitted Landscape and Visual Impact Assessment (5.1.4). Should the local planning authority be minded granting planning permission, it may wish to consider whether it would be appropriate to require approval of design details of new walling etc to be the subject of a condition.

The proposed development mainly occupies already developed land and as such has limited potential for impact on buried archaeology. This is restricted to new construction activity within agricultural land where the new access track deviates from the existing haul road, together with any services and other ancillary works. At scoping and PAC stages, we advised that the archaeological potential in these areas was not sufficient to merit an archaeological response, since few features had been recorded here during fieldwork for the Caernarfon-Bontnewydd bypass and these appeared to be of low archaeological importance.

Since the PAC, we have received the Post-Excavation Assessment Report on the bypass (Oxford Archaeology report 2277, November 2023, rev. May 2024). This is the first detailed reporting stage of this extensive project and includes preliminary specialist work, including finds assessment and some radiocarbon dates. In addition to post-medieval agriculture, the archaeological features found along the section closest to the proposed development are now known to represent dispersed prehistoric activity, based on pottery and an Early Bronze Age radiocarbon date. There is potential for associated remains to be encountered during the proposed development.

In light of the above observations, we would update our pre-application advice. In accordance with national and local planning policy, should the scheme receive planning consent, we would advise that the local planning authority should require the implementation of a limited programme of archaeological mitigation, as a proportionate response to the potential impact on prehistoric archaeology and the direct impact on Plas Treflan.

The archaeological mitigation should comprise a staged programme, which would take place before, during and following the construction

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phase. This should consist of (1) a Level 11 record of the affected part of the property of Plas Treflan prior to construction work; and (2) a formal programme of observation and recording on an intensive basis - that is, during specific sensitive works, in this case groundworks in previously undisturbed ground north of the current operational area – together with post-field work, reporting and archiving as appropriate to the discoveries made. All aspects of the programme must be undertaken by a professional archaeological firm, who should agree the scope of work with us in advance.

The following wording is suggested as suitable for a condition to secure such a programme of work:

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

(ii) A detailed analytical report on the archaeological work required by condition (i) shall be submitted to the Local Planning Authority within 6 months of completion of archaeological fieldwork. The report must be approved in writing by the Local Planning

Authority.

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales

2024 and TAN24: The Historic Environment.

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

Please do not hesitate to contact me with any queries regarding the above

North and Mid Wales Trunk
Roads Agency:

Response received on 10/07/2024:

I refer to your consultation of 27/06/2024 regarding the above planning application and advise that the Welsh Government as highway authority for the A487 trunk road does not issue a direction in respect of this application. If you have any further queries, please forward to the following Welsh Government Mailbox

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NorthandMidWalesDevelopmentControlMailbox@gov.wales

CADW: No response received.

Biodiversity Unit: Response received on 22/03/2025

The following comments are in addition to my previous comments.

The applicant has altered their planning proposal so that it includes part that is retrospective, as works are currently taking place to process and store material (stone, soil etc).

The applicant has submitted additional plans for two flood compensatory storage areas as two shallow basins connected to the existing surface drainage channel. Basin 1 is an area of 1,090 m² currently above the flood level would be reduced in level by approximately 0.65m to a level of 13.95m. Basin 2 is an area of 1,534 m² currently above the flood level would be reduced in level by approximately 1.0m to a level of 14.4m.

The applicant has provided: Addendum to Environmental Statement (November 2024). This addendum includes a table of assessment of environmental effects. I have concerns that this has not full consider the additional impact this would contribute such as addition dust (construction phase) and more potential for river pollution, additional noise (construction phase) and for ecology, it is not clear what habitats would be within the footprint of the basins, it is likely it is just hard standing concrete, but this requires confirmation, and further biodiversity enhancement required.

Response received on 24/09/2024:

I visited the site on 17th July 2024 with Pete Evans, NRW and the applicants representative Stephen Blunt. The site is being actively used to store materials: boulders, gravels & soil. We discussed both of the current applications.

Development Proposals

There are two planning application for the site:

1. C24/0297/19/LL Concrete & materials recycling – to be determined by Cyngor Gwynedd
2. CAS-02628-Y1D2Z7 Construction of a 20 MWe gas fired power station 'Peaking Plant' & cabling - The Developments of National Significance (Procedure) (Wales) Order 2016 – to be determined by Planning and Environment Decisions Wales (PEDW)

The comments below focus on the concrete & materials recycling

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proposal to Cyngor Gwynedd.

The proposal for the concrete & waste materials development will be on the current concrete hard standing that remains since the site was a Brickworks.

The access road for the recycling and concrete will be from the Waunfawr Road near to the Peblig Industrial Estate.

Ecology Reports

The applicant has submitted the following documents:

Ecological Impact Assessment (EcIA) for the proposed development of a Gas Peaking Plant, new vehicular access and alterations to Ffordd Waunfawr, internal access and use of land for storage, retention of concrete batching plant and recycling and export of finished materials/ products – Seiont Quarry, Caernarfon for Jones Bros Ruthin (Civil Engineering) Co Ltd Produced by Ecoscope on November 2023

Habitats Regulations: Test of Likely Significant Effects report for operations at Former Seiont Brickworks, Caernarfon SEIONT QUARRY, CAERNARFON Seiont Ltd November 2023 (amended received on 6th September 2024)

Continuation of industrial land uses at former Seiont Brickworks, Caernarfon Green Infrastructure Statement Seiont Ltd February 2024

Comment on Ecological Report

The report collates survey data from previous surveys undertaken prior to the construction of the Bontnewydd-Caernarfon Bypass. The report includes a map of habitats made from site survey by Ecoscope in 2023. The report has been produced to a good standard, however, does not extend along the trackway to Waunfawr Road. See below for habitat map (Ecoscope 2023).

Protected Species - Bats

There is a known bat roost within the disused Brickworks Quarry site, in a derelict house. During the site visit we noted that the building has now lost the slate roof and the lock on the grill door into the cellar is broken. Lesser Horseshoe Bats roost in the cellar and use it for hibernation. Ecoscope report summaries the data from surveys, concluding “between 2001 and 2012 concluded that between 7 and 23 LHB used the building as a winter hibernation roost. By 2012, this had reduced to just one bat” and states that there were up to 28 LHS bats in 2021.

The Afon Seiont is an important foraging habitat and commuting route for Lesser Horseshoe Bats with several bat roosting sites along

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the course of the river including bat roosts within the Peblig Industrial Estate.

There is a new culvert under the new bypass which is an important flight path for Lesser Horseshoe Bats.

Ecoscope surveys records brown long-eared bats, pipistrelle bats, noctule bats and Myotis bat species as well as a possible serotine bat in the vicinity of the quarry.

It is likely that lighting & noise will impact on bat species.

Protected Species – Otter

Ecoscope: Otter spraint was recorded at four locations along the Seiont where it encircles the

quarry, indicating regular use. No holt was found within the quarry boundary. It is likely that works and activities will impact on this species.

Protected Species – Barn Owl

Barn Owl records are numerous recent records along the new bypass road bordering the disused Brickworks site. It is unlikely this development will impact on this species.

Protected Species – Reptiles

Reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) making it an offence to intentionally harm reptiles. Ecoscope state that it is likely that grass snake, slow worm and common lizard are likely to be present, however no surveys for reptiles were undertaken for the previous development.

- I recommend Reptile & Amphibian surveys are undertaken before construction. This must also provide reptile habitat creation.

Species of Biodiversity Importance

Under section 7 of Environment Act (Wales) 2016) the Welsh Government has listed species of importance to the biodiversity of Wales.

Toads, Palmate Newt, Common Frog and Smooth Newt have been recorded in the water bodies of the quarry, however Ecoscope question identification of the smooth newt in the surveys undertaken for the bypass and I agree, smooth newt is very rare in Gwynedd. Ecoscope surveys in May-June 2018 noted tadpoles of Common Toad in abundance. Toads are listed under section 7.

The Ecoscope report has not considered the Dingy Skipper Butterfly (section 7) which was recorded within the site in 2016; bird's-foot

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trefoil is food plant of the caterpillars of this butterfly species.

During the site visit, I noted that within the pools and ditches within the disused quarry are numerous dragonflies and stoneworts.

It is unlikely that the proposal will impact on these species, however if any works are undertaken outside of the boundary of the planning proposal (red line) then surveys will be required.

Protected Species – Badger

The surveys did not find badger on the site, but it is probably that this species forage across the site from a nearby sett.

Non-Native Invasive Plants Species

Himalayan balsam grows along the edges of the proposed development and the woods and river bank. I was disappointed to see no actions had been undertaken to control this plant. I have requested that the applicant carries out Himalayan balsam control as soon as possible before it sets seed.

I also noted Galingale growing in the pools and ditches and Buddleia throughout the site.

- I recommend that the Buddleia is eradicated.

I found Giant Hogweed growing in the wood by the bridge to the brick store (see map below).

Following my site visit I requested that the applicant remove the Himalayan Balsam and I have not received confirmation that this has been carried out.

- I recommend a non-native invasive plant species control and eradication plan that covers the construction period and whilst the site is operational. A monitoring & eradication report must be provided annually to the LPA.

Habitats

The majority of the site is hard-standing/concrete and the proposal will not result in the direct loss of habitats.

River - Water Quality/Pollution

The river Seiont is 20 meters from the proposed development. I have concerns about concrete/lime dust entering the river causing pollution and altering the chemistry of the river.

- I recommend the applicant provides more information about the control and treatment of contaminated water and dust.

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Ecological Impact Assessment

The EcIA (Ecoscope 2023) section 4.2.1 of this document lists the following potential direct impacts as a result of the proposal:

- Disturbance associated with Plant, lighting and construction;
- Pollution: Potential impact of silt entering the Afon Seiont during construction;;
- Dust from crushing, screening and cement use;
- Noise pollution of Plant, with potential impacts on bat activity;
- Light pollution and potential impacts to bats and otter.

I agree with this list, but I would like to add an additional threat from the importing of waste that may contain non-native invasive plant species (e.g. Japanese knotweed) and that there should be a process for checking for these contaminants and removing them to ensure that they do not establish within the site or along the river.

The EcIA under 4.2.3 considers that without mitigation, the combined development proposals are assessed as having a negative impact on Bats (all species), Otter, Habitat quality and ecological features of the Afon Seiont that is assessed as being Major on a Regional Level.

Mitigation

I agree with the recommendations in the Ecoscope report in particular the following:

- Ecologist during construction
- Lighting - During construction, no night-time working must be undertaken. A safe 'dark corridor' must be maintained along the length of the Afon Seiont to allow movement of migratory fish, Otter, and Bats.
- Silt barrier mesh or traps must be fitted throughout construction to avoid surface run-off of silt into the Afon Seiont. Artificial mesh barrier is frequently used around the lower margin of works areas and/or at the mouth of a drain flowing from site into the tributary to trap silt. A novel solution is to plant the drain with Reedmace *Typha latifolia* which occurs naturally on site. It interrupts silt and purifies water, while supporting a level of biodiversity in the interim
- Cement dust prevented using sealed cement silos with filters and by concrete batching plant operations meeting Regulation 13 of the Environmental permitting (England and Wales) Regulations 2016, regulated by the Local Authority. Airborne dust will be suppressed and controlled using water sprays fitted to crushing and screening

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plant.

In addition to these I recommend that the fields along the access track be managed as traditional hay meadow.

Enhancements

The former Brickworks is a large site and provides varied habitats for wildlife and nature.

The Ecoscope report includes recommended enhancements in section 5.5 and I agree with the following recommendations:

- Multiple wetland areas of varying sizes and depths for amphibians and invertebrates
- Uneven topography – mounds, banks ridges and drains to provide multiple microhabitats;
- Tree planting & woodland creation.
- Using Yellow Rattle *Rhinanthus minor* as a grassland remediator, and also a potential receptor site for the translocation of the three common reptile species.

The tree species recommended for planting is Silver Birch, Sessile Oak, Hawthorn, Alder, Hazel, Elder, Beech & Small-leaved Lime, I would also like to see Bulace and Crab Apple planted there because these trees are good for pollinators, badgers and hedgehogs.

Ecoscope also suggest non-native tree planting of Evergreen Oak, Lawson Cypress & Black Pine to absorb Nitrogen and sound generated by the gas fired power station, this is mitigation not enhancement.

I am concerned that under the section of Enhancement 5.5. Ecoscope state “Subsequent proposals will include redevelopment of the former Lesser Horseshoe Bat roost in the brick yard.” Does this mean the restoration of the bat roost? And it is not a “former” bat roost as it currently is a bat roost. I recommend that this roost is enhanced or other roosting features suitable for Lesser Horseshoe Bats are provided.

However, the submitted plans have not include these, I recommend that plans are provided showing biodiversity enhancement.

Habitats Regulations Assessment

Cyngor Gwynedd as the competent authority under the Habitats Regulations 2017 is required to consider all plans and proposal for possible impacts to SACs and SPAs. The applicant has provided a document to inform the HRA process. This document has consider several relevant SACs including Glynllifon SAC designated for its

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population of LHS Bats. This species of bat is known to use the river corridor and has a roost in the quarry site. I disagree with the conclusion (Seiont Ltd 2024) of the information provided and the suggestion that a condition could be used to control and restrict lighting to ensure that it does not impact on bat species. I request further information on regarding the proposed lighting and an illumination map of the site.

Restoration Plan as part of conditions for existing permissions

The quarry is now disused and I recommend that the applicant provides a quarry restoration plan that enhances the site for wildlife and biodiversity.

Green Infrastructure Statement

The applicant has provided this document acceptable.

Recommendations & Requirements

- Reptile survey & habitat provision.
- Invertebrate survey (especially for dingy skipper butterfly, dragonflies & damselflies)
- Plans showing biodiversity enhancements
- Restoration plan showing biodiversity enhancements
- Lighting Plan & illumination map & lighting Strategy
- Enhancement of existing bat roost and provision of additional bat roosting features for Lesser Horseshoe Bats.
- Invasive species control/eradication
- More details on drainage and control of concrete dust, to avoid it going into River Seiont.

I object to the proposal until further information is provided such as plans showing biodiversity enhancements and an illumination map and the control and treatment of contaminated water. Without this information it cannot be ascertained that this proposal will not have an adverse impact on the Glynllifon SAC.

Agricultural Land
Classification & Soil (Welsh
Government):

Response received on 18/07/2024:

Thank you for the formal consultation request concerning agricultural land quality and the application of BMV policy (PPW 12, paragraph 3.58 and 3.59). This advice relates to technical

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information only, not the merits or otherwise of the proposal on which it is for the determining authority to take a view (TAN6; Annex B6).

1. Agricultural Land Classification (ALC) – Information and advice.

The Department does not hold any detailed ALC field survey information for the site. The Predictive ALC Map (2019) notes the proposed site compound as ‘non-agricultural’, however the proposed access road to the site (from the A4085, Waunfawr Road) crosses areas of Predicted ALC Grade 2 and Subgrade 3a (potentially Best and Most Versatile/BMV) agricultural land.

However, on examining the background information and recent aerial images for the site, it appears that most of the proposed access route had been previously disturbed/developed as part of the Caernarfon / Bontnewydd by-pass construction or is part of the former quarry site. Therefore, the area of potential BMV agricultural land impacted by the current application is likely to be less than 0.5ha. A detailed ALC field survey would not be practical and is not recommended.

Exceptionally, the Department does not recommend the application of BMV policy (PPW 12, para 3.58 and 3.59) in this case.

This response and advice expressed does not bind any other part of Welsh Government commenting on the proposal. I trust the above advice and associated remarks are clear and unambiguous.

Please do not hesitate to contact if necessary.

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Public Consultations:

A notice was placed in the press, notices were placed in several locations close to the site and nearby residents were informed. 130 correspondence were received from members of the public and a summary of the matters raised have been noted below;

- NOx (Nitrogen Oxides) emissions from operations and traffic movements.
- Increase risk to people's health due to fugitive dust and particulates emissions (PM10 and PM12).
- Inert waste processing will create fugitive dust.
- Locating crushing activities within steel framed shed will not be effective in controlling dust from crushing activities, dumping and loading.
- Fugitive dust and particulates are increasingly harmful when inhaled during heavy exercise (proximity to nearby facilities of the Rugby Club and 5 a side pitch).
- From operations and traffic movements.
- Crushing operations will have detrimental effect on nearby population due to noise pollution.
- Noise pollution is harmful in terms of cardiovascular and metabolic effects.
- Bowl effect of the quarry will worsen noise pollution.
- Locating crushing operations will not be an effective method of controlling noise pollution.
- Noise impact assessment does not take into account the bypass or other noise sources in the area.
- Noise impact assessment does not take into account the substantial changes in traffic movements along Ffordd Waunfawr.
- Vibration from HGV movements will damage structures.
- Vibration from concrete crushing (crushing of inert waste) will damage nearby structures.
- Flood lights will cause light pollution.
- Traffic from construction of development will increase air and noise pollution.
- Ffordd Felin Seiont was blocked on numerous occasions by vehicles during bypass construction – permission for new access would not restrict vehicles from continuing to use Ffordd Felin Seiont access.
- Significant increase of HGV movements through Caeathro.
- Emissions from HGV movements.
- Narrow or no pedestrian pavement for most of the Caeathro – Caernarfon road.

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Continued;

- Noise from operations will affect on and off site wildlife.
- Impact on Parc y Dre.
- Damage to nearby woodland(s).
- The proposed access/haulage track runs directly along the entrance of a concrete underpass constructed as a wildlife corridor/connection underneath the bypass. NRW have refused to agree to any planting along it's access as this would effect the flight paths of bats. HGV traffic along the same area would surely have a worse impact.
- Polluted water will runoff into Afon Seiont.
- Visual prominent from bypass.
- Minimal economic benefit as no new jobs will be created.
- Increased industrial activity will deter tourism.
- Proximity of site to Ysbyty Eryri, Seiont Mill Road, Rugby Club, Bryn Seion dementia care home, Ysgol Hendre, Lôn Eifion.
- Ysbyty Eryri cares for older and frail patients.
- Noise will disrupt peacefulness of the area.
- Swimming in river would no longer be safe.
- Walking along the Seiont would no longer be safe.
- Respiratory problems to users of the Rugby fields.
- Does not comply with Well-being of Future Generations Act.
- Does not comply with Cyngor Gwynedd 2030 Climate Action Plan
- Demand from recycled concrete comes from the company's contract to deliver coastal defence works.
- Recycled concrete is not the same quality as new concrete.
- Questioning whether this site is genuinely brownfield given that there are restoration requirements under the 2017 permissions.
- Is there a need to locate a large scale inert waste recycling operation specifically at this location?
- Ysbyty Gwynedd has some of the worse waiting times in the UK. Permitting this operation would worsen this by effecting physical and mental health of residents.
- Stress, anxiety and asthma and COPD can be caused by noise and pollution and severely effects the Welsh and UK economy and NHS.
- Site has continued to operated sporadically following end date of previous permissions.
- Failure to restore site.

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- Ffordd Felin Seiont is Grad II listed building and vehicles accessing Seiont have previously struck bridge/become stuck.
- The ES claims that there will be no impact on the tranquility of nearby listed buildings of Bryn Eden and Glan Gwna Lodge despite all proposed traffic movements being directed towards Ffordd Waunfawr.
- Need to determine both DNS and this application together.
- Noise and air pollution from both DNS and current application will be significant.
- Haulage track is claimed to be set on an existing haul road on former agricultural land. The existing haul road is subject to restoration requirements that should have been implemented, as such the existing position should be that it is greenfield land.
- Decrease in property values.
- Adverse effect on resident investment in their homes.
- Residents should be offered financial compensation to cover costs of property value reduction.
- Integrity of company should be taken into account during assessment of application.
- Former brickworks is better suited for housing developments.

Objections raised not based on material planning considerations;

5. Assessment of the material planning considerations

Planning status and history

- 5.1 The current planning status of the site is complex given that it is currently subject to two planning applications dealt under different regimes (decided by different regulatory bodies), historic mineral permissions and recently subject to three temporary planning permissions relating to the construction of the Caernarfon and Bontnewydd bypass and outstanding restoration obligations.
- 5.2 The applicant's main arguments in support of the application are summarised below;
- Conditions on both temporary planning permissions (bypass) granted in 2017 relating to restoration of the site do not stipulate the need to carry out restoration in accordance with the conceptual plan.
 - As a detailed restoration scheme, is yet to be submitted for approval/discharge, it is argued that the proposal submitted under this application (C24/0297/19/LL) and the gas peaking plant (DNS ref. CAS-02628-Y1D2Z7) to be forming part of the restoration of the site.

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- The historical ROMP permission remains valid, and the conceptual restoration plan excludes the old brickworks (i.e., the hardstanding area). The site would, therefore, not be covered by a restoration condition and meets the definition of PDL as set in PPW 12 (2024).
- The planning committee report for the 2017 temporary permissions did not indicate that the granting of these applications would have subsequent effect on the implementation of the ROMP.
- The MPA requested a review of the ROMP (as per relevant regulations) in 2021 and accepted a request by the applicants to defer this until 2027. As such, the ROMP permission remains valid and operational irrespective of any subsequent permissions and restoration requirements (i.e. the 2017 permissions).
- Seiont Quarry remains an ‘active’ minerals site and minerals operations are capable of being recommenced under the terms of the ROMP without any prior warning. Policy GWA 1 does not differentiate between active or inactive quarries and given that evidence of a valid ROMP proves that the site potentially could be an active quarry.
- The JLDP proposal maps adopted in 2017 show mineral buffer zones around the site. If the site was not an active mineral sites, then it is questioned why a mineral buffer zone was needed as part of the JLDP.
- The application site is consistent with the types of sites noted in TAN 21 that would support new waste management facilities.
- Cibyn and Peblig industrial estates do not have the capacity to accommodate a development of this scale and would be located closer to residential properties.

5.3 The quarry and former brickworks are subject to a planning permission for the winning and working of minerals which, up until the closure of the operation 2008, excavated and processed clay for the manufacture of bricks. An application for the determination of conditions under a ROMP Environment Act 1995 approved in 2007 (ref. C00A/0442/14/MW), secured a scheme of working for this permission up until 2042.

5.4 In terms of the applicant’s argument that this permission remains and valid, the Mineral Planning Authority acknowledges that the permission ‘end date’ of 2042 has not been reached and deferment in 2021 of the next review until 2027. However, the winning and working of minerals (i.e. the approved use of the land) under the terms of working plans and conditions of the 2007 ROMP is physically impossible under the permitted working plans given that the quarry was subject to deposit of significant volumes of inert waste specifically for the purpose of the quarry’s restoration and was granted in 2017 on such basis (see discussion below).

5.5 For the reasons outlined below, it is considered that the former factory site (brickworks) and surrounding concrete hardstanding may be restored to greenfield status by virtue of planning conditions attached to the ROMP determination, the 2015 and 2017 temporary permissions (directly related to the bypass construction).

Minerals Permission (ROMP) – C00M/0441/19/MW

5.6 It is stated in the applicant’s supporting statement for application that part of the hardstanding did not form part of the restoration plan as submitted with the ROMP application. Condition ‘2’ of

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the ROMP determination stipulates compliance with the application plans, including Figure 08 (conceptual restoration).

- 5.7 However, reference to the application plans under condition ‘2’ is preceded by; “... ***unless otherwise required by planning condition ...***”. In this regard and to clarify the restoration requirements of the ROMP, I refer to the following conditions attached to the determination;

“Condition 10 – Notwithstanding the ‘Conceptual Restoration’ plan [Figure 08] approved under condition 2 of this permission, not less than 3 years before any part of the final quarry face is developed, detailed plans shall be submitted for the approval of the mineral planning authority indicating the design and treatment thereof. The final landform shall be designed and constructed to reflect the natural landforms of the surrounding area and shall have regard to the geological & geomorphological integrity of the designated RIGS site.”

- 5.8 Whilst the condition does not specifically refer to the factory site and hardstanding, it does stipulate the requirement for further information to supplement the ‘conceptual’ restoration indicated on Figure 08. The proposals indicated on the application plans (Figure 08) therefore do not provide an absolute solution in respect of the restoration requirements of the site. Furthermore, the current position would indicate that the provisions of condition ‘10’ and condition ‘15’ below would take precedent, given the premature cessation of winning and working minerals, landfilling of the void and the route of the bypass, has compromised the restoration concept shown on the application plan (Figure 08).

“Condition 15 - On or before the time limit specified in condition 1, or upon final completion or premature cessation of operations, the land surface shall be cleared of all quarry plant, machinery, materials and equipment. Thereafter it shall be restored to the satisfaction of the mineral planning authority so far as possible in accordance with the approved plans and the extant review scheme approved under the terms of conditions 7 – 10 and in accordance with the following requirements; (i) the site to be left in a clean and tidy condition to the satisfaction of the mineral planning authority (ii) quarry benches to be prepared, treated and planted (iii) haul roads / surfaces to be removed / restored.”

- 5.9 This condition applies specifically to all worked out areas upon completion or premature cessation of operations. The previous owner/operator of the site had undertaken specific measures in order to comply with the requirements set out in the first part of the condition, where the land surface has been cleared of all quarry plant, machinery, materials and equipment.
- 5.10 However, in respect of the former factory site and concrete yard, the underlined extracts of the condition which stipulates that, the land shall be restored to the satisfaction of the mineral planning authority so far as possible in accordance with the approved plans but also, in accordance with a specific itinerary of requirements. Therefore, a residual obligation to comply with part ‘iii’ of said condition of the ROMP where haul roads and surfaces should be removed and restored remains relevant in areas that are not subject to (fall within the boundary) of any of the subsequent planning permissions.

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Temporary compound 2015 – C15/0977/19/LL

- 5.11 Planning permission C15/0977/19/LL gave temporary permission for a small compound located on the hardstanding area of the former brickworks to be associated with the construction of the Caernarfon bypass. Condition 1 of this permission stipulates that all structures should be removed and the land returns to its former condition by 23/10/2020.

Extension to temporary compound, mineral extraction and working of mineral working deposits, disposal of inert for restoration purposes, concrete batching, maintenance shed, offices, car parking, asphalt batching, haul routes – C17/0011/19/MW & C17/0107/19/LL

- 5.12 Planning permission reference C17/0011/19/MW was granted in 2018 for development the resumption of mineral extraction in the quarry under the existing planning permission but also to import and dispose of inert waste materials from the bypass scheme in works of restoration/engineering works. For clarity, the use of ‘waste’ material in restoration/engineering works is considered a recovery rather than outright disposal. The scheme also included engineering works to widen the existing quarry haul road on southeastern working face together with a new haul road, extending the workings on the north-eastern side for use in the bypass construction. On the former brickwork hardstanding, a secure contractor’s compound with offices, welfare facilities, car parking, a plant maintenance shed, asphalt & concrete batching plants, materials processing facility and bunded fuel store for the duration of the bypass contract was established in addition to a smaller compound permitted under permission C15/0977/19/LL. The red line (application boundary) of C17/0011/19/MW avoids the hardstanding area that is covered under C15/0977/19/LL. Additionally, the northern most portion of the hardstanding area, is omitted from red line boundary and site plans (being specifically annotated on the application site plans as ‘Area prone to flooding’).
- 5.13 Planning permission reference C17/0011/19/MW also includes all of elements that formed part of the sister application C17/0107/19/LL, for the use of the former brickworks site as a contractor’s compound and engineering works to widen the existing quarry haul road. It is unclear whether planning permission C17/0107/19/LL was ever lawfully implemented as the Schedule 5A notice within the TCPA (Development Management Procedure) (Wales) Order 2012 (as amended) is not on file.
- 5.14 A notice under Schedule 5A of the TCPA (Development Management Procedure) (Wales) Order 2012 (as amended) confirming the start of commencement of permission C17/0011/19/MW to be 15/10/2018 was received by the MPA. Condition 2 of C17/0011/19/MW stipulates the development shall cease within 5 years of commencement. Therefore, the date of expiration of the permission was 15/10/2023 at the very latest.
- 5.15 Conditions 7 and 8 of this permission relate to materials importation operations and detailed restoration scheme.

“Condition 7 – Haulage operations involving the import of materials for site restoration shall be completed within 3 years of notification under condition ‘4c’, or other such period as may be agreed beforehand in writing with the Local Planning Authority. Thereafter, the surface levels of the site shall be ascertained by means of a topographical survey and any discrepancy between actual levels and those approved shall be made known to the Local Planning Authority within 14 days of written request, together with a full audit of materials available for restoration of the site”

“Condition 8 – A detailed scheme of restoration and aftercare for the site shall be submitted for

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the approval of the Local Planning Authority within three years of the date of commencement of development. Its strategy shall include details of restoration works, landform modelling and measures to create and restore wildlife habitat. More specifically, the restoration and habitat creation plan shall be implemented within the first available planting season and include...

- 5.16 Whilst the restoration concept plan attached to the permission was based upon the importation of 400,000m³ of material in the worst-case scenario generated by excess materials derived from a Government funded road bypass scheme, such an assumption does not provide an absolute restoration solution given the default position of the ROMP determination and that which could realistically be achieved with a significantly reduced volume of material. The requirement to address any shortfall in restoration materials in accordance with condition 7 is such that it should not delay the implementation of an alternative scheme of restoration in accordance with condition 8.
- 5.17 Therefore, all land included in this application for the materials recycling area for soils, construction and demolition waste, erection of recycling plant building, concrete batching plant, change of use of land for general storage (B8 Use Class), retention of workshop building, portacabins, associated parking and parts of the proposed haul route is subject to outstanding restoration requirements by virtue of conditions on either the ROMP or C17/0011/19/MW.
- 5.18 Paragraph 5.65 of planning committee report C17/0011/19/MW (05/06/2017) states ***“Whilst not the subject of consideration with this planning proposal, it should be noted that the ‘Fishguard to Bangor Trunk Road (A487) (Caernarfon and Bontnewydd Bypass) (Side Roads) Order 201-’; does make provision for private access arrangements from the A4085 to agricultural land to the north of the quarry as part of the bypass proposals. Any proposals for long-term access arrangements from the A4085 to the quarry will require a further application for planning permission”***. This refers to the temporary haul road leading from the furthest point of the norther haul road permitted under the 2017 permission. The approximately 250m long haul road was not granted as a permanent access to the quarry as part of any planning permission given by the MPA or LPA despite the fact that it passes through a parcel of land contained within the original mineral permission boundary (ref. 390, dated 1951) but not subject to any working plans in the ROMP.
- 5.19 Given the existing and outstanding requirements for remediation under the ROMP and temporary permissions where there is provision for restoration made through conditions, the application site does not fall within the description of previously developed land. Previously Developed Land definition is given within PPW (pg. 37) that states that it includes ***“land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.”*** In this instance, provisions for restoration have been made for restoration through conditions on the related planning permissions as set out above.

The principle of developing a new waste management facility

- 5.20 The proposed development includes a mixture of elements and requires assessment against multiple policies within the JLDP. For the inert waste recycling proposal, Strategic Policy ‘PS 21: Waste Management’, policy ‘GWA 1: Provision of waste management and recycling infrastructure’ and policy ‘GWA 2: Waste management and allocated sites’ are relevant. Policy GWA 1 identifies numerous sites within the plan area that have been allocated as waste management infrastructure of which Seiont Quarry is not included. For proposed waste management facilities not specifically allocated, the policy states; ***“In addition to the above allocated sites, waste management and recycling infrastructure, excluding landfill and open windrow composting, may be acceptable on existing industrial***

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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 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 Assessment² (as defined by Annex B of TAN21, Waste)."

- 5.21 Paragraph 6.5.53 of the JLDP provides further elaboration on this policy; *"The sites have been allocated to direct developers to locations that are considered suitable for waste management and recycling facilities. The policy acknowledges that there may be other suitable sites on existing industrial estates, quarries and sites allocated for employment uses where B2 & B8 uses are acceptable in principle. The suitability of a site will depend on a variety of different factors, including the nature and scale of the waste facility and any site constraints such as flood risk, sensitive landscape and ecological sensitivity. Annex C of TAN 21 sets out the detailed planning issues that are necessary for applicants and planning authorities to have regard to whilst preparing and determining applications for waste management proposals. Any proposal that will need planning permission will be required to comply with all the other relevant policies in the Plan."*
- 5.22 Other than the allocated sites, the policy refers to industrial estates, quarries and brownfield sites as examples of potentially acceptable sites for waste management. Regardless of their location, proposals will require a justifiable need to be assessed on their own individual merit.
- 5.23 TAN 21 Waste Planning Assessment requires all applications for waste facility proposals to provide a Waste Planning Assessment. Annex B of the TAN 21 states that these assessments require;
- A description of how the proposals will contribute to the relevant provisions of 'Towards Zero Waste' and the Collections, Infrastructure and Markets Sector Plan.
 - A statement of compliance with policy related to need & location requirements.
 - A calculation of existing and projected future demand.
 - Identify the markets that will be served by the proposed development.
 - A calculation to identify the current shortfall in treatment capacity.
 - A description of the consultation undertaken by the applicant.
 - A signed declaration that in making the application the applicant has paid due regard to the waste hierarchy.

Time-scale;

- Lifespan of the operation, including any proposed measures for future proofing.
- Days and hours of operation.

Types and quantities of waste to be managed;

- Estimated annual quantity of each waste type to be received and estimated total capacity where relevant.
- The destination of any end product (residues and any hazardous materials) from the site should be submitted.

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- The minimum and maximum quantities that the facility could process and remain operational.
- The amount of waste (in tonnes) the facility is designed to treat.
- Design, layout, buildings and plant – a full description of the proposed development including:
- The processes involved, including transportation to and from the site.
- Layout and design of buildings, plant, operational areas, haul roads and external lighting.
- If relevant - Details on landfill gas and leachate control infrastructure should also be identified.
- Proposed restoration and aftercare
- Amenity and Nuisance;
- The compatibility of the proposed development with existing or neighbouring land uses.
- Measures to prevent and control land contamination, light pollution, noise, smell, dust, birds and vermin, litter,
- Any emissions associated with the proposed operations.
- Air pollution;
- The impact of emissions to atmosphere of any product gasses resulting from specialist treatment/recovery processes.

5.24 A short Waste Planning Assessment is provided within section 3.6 of the ES stating;

- ***“NRW Waste Permit Returns Data Interrogator 2021 show that less than 50% of all inert ‘hard materials’ (i.e. excluding soils) accepted at permitted waste sites in (Waste Planning Authorities) of Gwynedd, Conwy and Anglesey was recycled.***
- ***“The extension of material recycling at Seiont Quarry to include material sources other than the bypass works will provide for this market as well as for materials generated and required by Jones Bros Ltd.”***
- ***“Co-locating a material recycling operation with a concrete batching plant will allow higher-quality recycled materials to be allocated to the highest value use, without additional road haulage between sites. This fulfils one objective of the Waste Hierarchy and will conserve high-grade aggregate from quarry sites.”***

5.25 The Waste Planning Assessment does not provide all information required in TAN 21, however, some relevant information is provided in various parts of the ES and supporting documents.

5.26 Section 2.2.5 of the ES states that the ***“The importation and recycling of inert materials will be controlled by an Environmental Permit (Standard Rules SR2010 No12 ‘Treatment of waste to produce soil, soil substitutes and aggregate’) to be obtained by NRW. The types of waste that would be accepted for recycling meet the European Waste Code Classifications set out in Table 5.”***

5.27 Table 5 lists the following waste codes to be accepted to the site;

- 17 01 01, 17 01 02, 17 01 03 and 17 01 07 – Concrete, bricks, tiles and ceramics other than those containing hazardous substances.
- 17 03 02 – Bituminous mixtures other than those containing coal tar.

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- 17 05 04 – Soil and stones other than those containing hazardous substances.
- 19 12 09 – Minerals (for example sand, stones).

- 5.28 It is stated that the machinery for recycling soils, construction and demolition wastes would include a tracked crusher with integrated screener and conveyor belt discharges and a mobile 360° tracked excavator with loading shovel. The Mineral Planning Authority presume that the crusher and screener would be used to process the inert waste material by grading the material into a saleable product(s), however, there is no information to clarify what will be produced, to what specific standard in relation to the End of Waste Quality Protocol and approximate quantities.
- 5.29 Table 1 contained within the Non-technical Summary of the ES states that the 75,000 tonnes throughput would contain ***“concrete, bricks, tiles and ceramics, soil, stones and a mixture of these”***. This table also mentions that ***“Product sold for off site use. Any residual waste disposed of off-site”***, but there is no elaboration on the ratio of expected quantities of material to be successfully recycled and what would be a residual waste(s).
- 5.30 Further information regarding design, emissions, pollution, hours of operation, traffic routing has been submitted as part of the ES supporting documentation and will be discussed in further detail in relevant sections of this report. The lifespan of the operation is not specified as required in TAN 21; therefore, the Mineral Planning Authority presume the proposal is for a permanent facility with and indefinite lifespan.
- 5.31 The Waste Planning Assessment falsely states that the proposal will be an extension of material recycling at Seiont Quarry to include waste sources other than from the construction of the bypass. As noted previously, there is no extant permission for material recycling or waste management at the site. The previous temporary permission has ceased and was in relation to disposing of inert waste from the bypass construction on the basis that the waste material was used in the restoration of the quarry.
- 5.32 There is no information to clarify the expected quantities of each type of waste other than a general reference to a total annual importation of 75,000 tonnes of inert waste material. Paragraph 3.6.1 of the ES mentions Natural Resources Wales Permit Returns Data show that less than 50% of inert waste accepted at waste sites in the Waste Planning Authority’s of Gwynedd, Conwy and Anglesey was recycled.
- 5.33 The LPA have reviewed the most recent data available on the NRW Waste Permit Data Interrogator from 2023 that shows; that approximately 36,700 tonnes of inert waste were treated within the Gwynedd Waste Planning Authority area (this includes the Eryri National Park) and 55,883 tonnes transferred. 72,647 tonnes of inert / construction and demolition (C&D) waste is stated to have originated from within Gwynedd WPA (not necessarily generated from within the authority as it could have been transferred from another site within the county). A further 23,514 tonnes of inert waste accepted in permitted sites in Gwynedd had originated from other WPAs.
- 5.34 This stated imported annual tonnage of 75,000 does not appear to have been linked or evidenced to any specific identified short fall in treatment capacity, projected future demand or waste stream but rather used to match the upper limit of the Standard Rules Environmental Permit SR2010 No12 *‘Treatment of waste to produce soil, soil substitutes and aggregate’*.

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5.35 The proposal does not elaborate how the imported waste soils will be processed/treated to be recovered to a useful product or any specified standard. Given that soils and clays are not subject to 'End of waste' Quality Protocol it would appear likely that any soils would ultimately remain a waste material when leaving the site. It is unclear from the information submitted how much residual waste (soil) would be left from the recycling/treatment process.

5.36 Information submitted with the application is lacking and does not substantiate;

- How the waste materials brought onto the site would be treated and recycled effectively to comply with any End of Waste Quality Protocols (other than fed into a crusher and screener).
- What quantities of each waste type is predicted/expected to be imported.
- There is no information to elaborate how the recycling facility would conserve high-grade aggregate from quarry sites being used in the concrete batching operation as it is claimed all waste material is to be exported off site as recycled material and all material for the concrete production would be imported.
- The Waste Planning Assessment does not elaborate how much if any of the recycled material would meet the specification for use in concrete production process proposed on site as part of the application.

5.37 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 all of 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.***

5.38 No information has been submitted to demonstrate that allocated sites are unavailable/unsuitable and that there are no other suitable sites within the development boundary for the proposal. As discussed previously, there are currently outstanding requirements for remediation under the ROMP and temporary permissions where there is provision for restoration made through conditions. As such, it doesn't fall within the description of previously developed land and the land is also considered to be open countryside. Should planning permission be granted, the proposed development would comprise of a permanent waste facility located in open countryside with no particular reason provided by the applicant for its scale in this location. Given the site no longer has the benefit of any planning permission (other than compliance with restoration conditions), the development would undoubtedly result in potentially significant disturbances to neighbouring properties and receptors.

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- 5.39 Despite PPW 12, TAN 21 and local planning policies being generally supportive of proposal for recycling inert wastes to recycled aggregates on active mineral sites it is clear that the proposal should be treated as new waste management development proposal in open countryside. As discussed above, there is no evidence of need identified, evidence or elaboration as to how the proposal would meet that need and how the development is justified in this particular location.
- 5.40 In addition to waste policies, any proposed development needs to comply with policy PCYFF 1 of the JLDP that provides development boundaries for settlements within the plan area. The plan states that ***“Outside the development boundaries development will be resisted unless it is in accordance with specific policies in this Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.”***
- 5.41 The application area lies entirely outside and unconnected to the closest development boundary of Caernarfon. The development does not comply with any specific local or national policies and no evidence has been submitted to demonstrate that it’s required at this specific location.
- 5.42 It is considered that the application has not demonstrated that the proposed developments comply with policies GWA 1, GWA 2, PCYFF 1 of the JLDP and TAN 21 in terms of the principle of development, and its necessity to be situated in open countryside, at an inactive quarry with outstanding requirements to restore the land.

Principle of the development of concrete batching plant facility and retrospective change of use to B8 Use Class

- 5.43 The proposal includes using the site as a permanent concrete batching facility. It is stated in table 3 of the ES that an annual output of 10,000m³ of concrete would require importation of 3,000 tonnes of cement and 18,000 tonnes of aggregate each year.
- 5.44 Section 3.7.2 and 3.7.3 of the ES states;
- “Although most of the raw material used in concrete production at Seiont Quarry would be brought to the site before mixing, the proximity principle still applies because; Raw materials for concrete production (aggregate, sand, cement) are transported by HGV with payload of around 30t per vehicle. Ready-mixed concrete is transported by mixer lorry with a payload of around 10-12t per vehicle. Ready mixed concrete contains added water which must then be transported by road from plant to user. One HGV therefore transports as much material as three mixer lorries. The maximum efficiency and fewest HGVs on the road network are achieved when mixing plant is as close to the user site as possible, and larger HGVs can be used for as much of the overall journey as possible. This means having mixing plants in many well-distributed locations rather than a few centralised plants.”***
- 5.45 The statement also claims that locating the proposed waste management development on the same site as a concrete batching plant would ***“allow higher quality recycled materials to be allocated to the highest value use, without additional road haulage”*** and that this would fulfil one objective of the waste hierarchy in terms of conserving high-grade aggregate from quarry sites. As discussed extensively above, the site has been subject of a deposit of waste material to restore the site, and there will be no further mineral extracted from this site (regardless of the fact if the mineral quarried at Seiont was adequate or not for concrete production) making its justification for location in a ‘quarry’ irrelevant.

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- 5.46 No information has been submitted to clarify the quantity (if any) of the inert waste material that would be recycled to a recycled aggregate that would meet the specification to be used in concrete production and supplement or conserve higher quality primary aggregate. Details submitted with the application relating quantity of material imported to site state that 18,000 tonnes of aggregate and 3,000 tonnes of cement would be imported for the concrete batching facility. It is also mentioned all imported waste material would be exported as recycled material. This information would indicate that none of the recycled aggregate (if produced to the appropriate specification) produced at the development site would feed into the concrete batching process that would help reduction in need for primary aggregate and its justification to be located at this particular site. Therefore, it is considered that the applicant's argument is flawed.
- 5.47 The application also includes a retrospective change of use of land for general storage (B8 Use Class) that includes processing, sawing and packing of mineral materials located in the northern portion of the hardstanding area. As discussed earlier, the site plan indicates that there are two separate 'Storage Areas', one that covers most of the northern portion of the hardstanding area (hereby referred to in this report as Storage Area 1) and separate area south of the access bridge along the western boundary of the site (hereby referred to in this report as Storage Area 2).
- 5.48 As previously discussed, this application originally, had proposed the change of use to general storage B8 Use Class, however, it became apparent following an enforcement investigation that part of the site was already operational and subject to unauthorised development, which did not have the benefit of planning permission. In response to the investigation the applicant has amended the wording of the original application so as now refer to the change of use of part of the site to B8 Use Class and continuation of existing processing (sorting selection sawing and packing) of mineral materials (therefore, a retrospective development).
- 5.49 The Storage Area 1 is annotated on the Proposed Site Compound drawings as a ***"storage are (B8 Use Class) with processing, sawing and packing of mineral materials"*** with a ***"timber structure for stone sawing work 8m x 6m x 4m approx."*** located on its eastern boundary. Storage Area 2 is annotated as ***"Storage area (B8 Use Class)"***. Other than the location of the sawing shed, there are no details of the quantity or how the material would be stored within these areas and if they would be physically separated from the rest of the site.
- 5.50 The nature of the activity is vaguely noted in Table 3 of the ES, which states ***"General Storage Use Class B8) including sorting and packing cobbles and boulders for sale"***. Paragraph 11.1.5 briefly provides further context stating, ***"Open storage would be limited to inert materials such as cobbles and boulders, construction material and plant, and inert soils"***.
- 5.51 The description of the proposal in the application forms, supporting documents and drawings is not consistent and does not provide any information to indicate if both areas of land subject of a change of use to B8 Use Class as storage areas will for the same functions. The variety of descriptions proposed for the storage areas supplied in the application and supporting documents include;
- Sorting and cobbles and boulders for sale.
 - Storage of inert materials such as cobbles and boulders, construction material and plant, and inert soils.
 - Storage area with processing, sawing and packing of mineral materials.

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- B8 Use Class and continuation of existing processing (sorting selection sawing and packing) of mineral materials.
- 5.52 The application provides no elaboration as to the quantities of any of the material to be stored in these areas. Given that there is no differentiation between function of the two areas of land subject of a change of use to B8 Use Class as storage areas, the Mineral Planning Authority must presume that the proposal is for the two areas to be used for all of the descriptions noted above.
- 5.53 The lack of clarity in terms of quantities of material of this nature to be stored provides uncertainty in terms of assessing the potential visual effects, risk of fugitive windblown dust, risk of pollution incidents and runoff that will be discussed in other sections of this report. There is no reference to the potential effects arising from the sorting, sawing, packing of minerals in the ES or supporting documents.
- 5.54 The exact nature of the development is not entirely clear but from information available to the Local Planning Authority at the time of writing this report it appears to include (but not strictly limited to) importation, storage, treatment, processing, packaging and sale/export of minerals, soil, sand and primary or recycled/secondary aggregate. This area roughly equates to the area annotated for a change of use to the Storage Area 1 for B8 Use Class on the application drawings.
- 5.55 Whilst the Local Planning Authority cannot dispute what proposal the applicant has applied for, it is important to note that a yard for storage or distribution of minerals is specifically excluded by virtue of Article 3(6)(g) of Use Classes Order 1987 from any Use Class. Therefore, any land used for storage of minerals cannot function under B8 and such use is *sui generis*.
- 5.56 Furthermore, the description of functions relating to the sorting, sawing, packaging of minerals indicates that the areas would not necessarily be restricted to a yard for storing minerals but would include an element of treatment or process. It is also important to note that the mention of storage of construction material and plant is unclear as to whether they are to be stored in relation to other functions of the site, stored and utilised away from site (i.e. use of the plant in construction or hire) and could therefore, be interpreted as storage of items which that is akin to contractors' yard and may also be classified as *sui generis*.
- 5.57 To clarify, there is currently an unauthorised development at the site (approximately equating to the area designated as a B8 Use Class in this application) and generally appearing similar in its nature to that described in the application and supporting evidence. However, it would not be possible for the described uses to lawfully function under the B8 Use Class. As such, the change of use of the land to B8 Use Class (be that retrospectively or not) applied for in this application cannot be used for the uses described in the proposal. There are no permitted development rights to change B8 open storage uses to another use, as the provisions for B8 change of use in the GPDO only apply to buildings.
- 5.58 Although the application contains a proposal that is technically incompatible with the B8 Use Class, the Local Planning Authority believe it is possible to assess the principle of the development based on the information submitted.
- 5.59 There is no particular policy in the JLDP for assessing specific proposals for concrete batching and a mineral storage, processing and distribution yard.

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- 5.60 It is important to note that waste management facilities do not fall under any specific use class as they can include various different processes. Most processes would fall under the B2 Use Class (General Industrial) but exceptions to this include incineration, chemical treatment of waste, landfill or hazardous waste that are considered sui generis. Given that the JLDP has specific policies for assessing waste developments, the principle of the waste element of this application has been assessed appropriately under the relevant policies.
- 5.61 Strategic Policy ‘PS 13: Providing opportunity for a flourishing economy’ provides a strategic approach for employment and business opportunities of B1, B2, B8 Use Class and some sui generis uses. As the application involves a mixture of uses that involve industrial processes (concrete batching), processing and distribution the policy should be considered in this case in terms of assessing its principle.
- 5.62 The policy states; *“Whilst seeking to protect and enhance the natural and built environment, the Councils will facilitate economic growth in accordance with the spatial strategy of the Plan by:*
1. Safeguarding 642.9ha of current land and units for employment and business (B1, B2, B8 and some sui generis uses). Purposes (in accordance with Policy CYF 1);
2. Allocate 55.1ha of land for employment and business purposes that would require or benefit from business or industrial park type locations in relation to B1, B2, B8 and some sui generis uses during the Plan period within sites which have been included in the employment land hierarchy and allocated on the proposals map (in accordance with Policy CYF 1);”
- 5.63 None of the land contained in the application is safeguarded or allocated so the proposal must be assessed against criterion 3 of the policy. *“3. Facilitate appropriate sites which become available on windfall sites which could satisfy any additional needs to those indicated in criterion 1 and in accordance with the principles given in Strategic Policy PS 5 and Strategic Policy PS 6 and the Plan’s Spatial Strategy, in order to ensure that economic opportunities are maximised”*
- 5.64 There is no particular evidence provided as to the need of the developments proposed in this particular location and how this would satisfy additional needs to those in criterion 1 and fails to comply with Policy PS 6.
- 5.65 In addition to PS 13, policy ‘CYF 4: New large single user industrial or business enterprise on sites not safeguarded or allocated for employment purposes’ provides further policy context for a development of this nature not located on safeguarded/allocated sites.
- 5.66 The policy states that proposals will be granted if they conform to all of the following criteria;
1. The proposed site is located within or adjoining the development boundary of the Sub-Regional Centre, Urban or Local Centre;
2. That compelling evidence is presented to justify the need for the development taking into account the national tests set out in Planning Policy Wales and Technical Advice Note (TAN) 23;
3. Where appropriate, an existing building or a previously developed site is used in order to meet the need;
4. That the scale, type and design of the development is appropriate for the site and the locality or is compatible with existing uses on the site.

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- 5.67 The site is not located adjacent to the development boundary of Caernarfon, it is not on previously developed land as the mineral permissions have obligations to restore the land beneficial to wildlife or agriculture. The site is located in very close proximity to a hospital and residential dwellings with inadequate assessment of the potential impacts of the proposal (this will be discussed in further detail in separate sections of the report). It is not demonstrated that the development complies with policies PS 13 and CYF 4.
- 5.68 Policy PCYFF 1 of the JLDP provides development boundaries for settlements within the plan area. The plan states that ***“Outside the development boundaries development will be resisted unless it is in accordance with specific policies in this Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.”***
- 5.69 The application area lies entirely outside and unconnected to the closest development boundary of Caernarfon. Given that each element of the proposed development, either in combination or independently have failed to demonstrate that they must be situated in the open countryside, it is considered that the application does not comply with policy PCYFF 1.

Consideration of alternatives

- 5.70 The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, Part 5 17 (d) states that ES must include ***“a description of the reasonable alternatives studied by the applicant or appellant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the significant effects of the development on the environment”***
- 5.71 Chapter 4 of the ES includes a consideration of alternatives, that include the options of ‘do minimum’ and use of other sites and other uses for Seiont quarry. The applicant claims to have discounted a ‘do minimum’ approach as ***“the existing business activity would have to cease, ending the employment of staff and use of capital equipment”*** and ***“The restoration of the quarry site cannot be achieved with the restoration materials currently present”***. Paragraph 4.1.1 states that the existing batching plant (concrete), recycling plants, workshop and offices would need to be removed. Other sites have been discounted because of costs of obtaining planning permission, restoration of quarry is not possible with the current materials available, alternative sites with similar services, drainage, road access and separation from sensitive neighbouring land uses is not available and no alternative land uses at this location (Seiont) are compatible with the applicant’s business.
- 5.72 The MPA disagrees with the logic of the applicant’s consideration and viability of all other alternatives. As explained earlier, the site does not have planning permission for what is proposed in this application (hence the need for a planning application in the first place). The default position of this site is that under condition 7 of planning permission C17/0011/19/MW, an alternative scheme of restoration may be implemented to achieve an after use to nature conservation/rough grazing based upon a reduced volume of materials (from the bypass construction). As already mentioned, the condition was imposed with the agreement of the applicant given that the permission was time-limited to suit the requirements of the bypass scheme. The amount of material available for the restoration concept of the quarry was based upon the importation of 400,000m³ of material in the worst-case scenario generated by excess materials derived from a Government funded road bypass scheme. This did not provide an absolute restoration solution given by the default position of the ROMP determination and that

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which could realistically be achieved with a significantly reduced volume of material. The requirement to address any shortfall in restoration materials in accordance with condition 7 is such that it should not delay the implementation of an alternative scheme of restoration in accordance with condition 8.

- 5.73 The wording of chapter 4 of the ES infers that the restoration is not achievable and therefore, the 'do nothing' approach of not restoring the site under the requirement of an existing planning permission is acceptable. As explained above, restoration of site is achievable and is required under the previous permission(s).

Visual amenities and landscape

- 5.74 Seiont quarry covers a substantial area to the south of Caernarfon extending from the woodland embankments of the Afon Seiont to the west and rolling pasture connecting with the settlement of Caeathro to the east. Part of the site includes the line of the former railway connecting Caernarfon and Llanberis which has been subject to the deposit of mineral waste over many years that screens the majority of the quarry pit from the nearby Hendre residential estate.
- 5.75 The proposed development would cause direct impacts on the landscape of the application site that would extend from the former brickworks and proposed haul route through to Ffordd Waunfawr. Possible visual and landscape impacts will include permanent structures, stockpiles, plant and machinery, extensive hard standing, vehicle movements along the proposed permanent haul road etc.
- 5.76 Currently, the former brickworks hardstanding area has not been cleared of the temporary bypass construction/civil engineering compound. The maintenance shed, offices and vast quantities of materials remain on site in addition to the unauthorised development (previously discussed). The proposed haul route from the yard to Ffordd Waunfawr generally follows the path of the temporary haul routes associated with the construction of the bypass.
- 5.77 The current appearance of the site does not negate the fact that all land within the application boundary (other than a very small section of the haul road that falls outside of any previous permission) is subject to outstanding restoration requirements by virtue of conditions on either the ROMP or C17/0011/19/MW.
- 5.78 As previously stated, the availability of materials from the bypass scheme brought forward a scheme of restoration for the site that included infilling of the quarry void and water body. This provided the basis for conceptual restoration plan that included woodland planting, scattered trees and shrub, grassland and low fertility grassland. Allowance was included in the 2017 permission conditions for an amended restoration plan in the event of insufficient waste material being generated from the bypass construction to reach the originally proposed the final land levels and topography. Topographical changes mainly related to the infilling of the extraction areas, however the requirement to restore the land is required for all land falling within the 2017 temporary permission. Some portions of this application fall outside of the 2017 permission boundary and are therefore, required to be restored to the conditions in the ROMP (Ref. C00A/0441/14/MW).

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- 5.79 The northeastern portion of the proposed haul route runs beyond the boundary of the 2017 temporary permission through agricultural land and vehicle access to the residential property of Plas Treflan. Whilst the majority of this part of the haul route falls within boundary of the original mineral permission (ref. 390, granted in 1951), none of this land was subject to any working plans ROMP (Ref. C00A.0441/14/MW).
- 5.80 As previously noted, a temporary haul route leading from the furthest point of the norther haul road permitted under the 2017 permission to Ffordd Waunfawr was used during the construction of the bypass. The approximately 250m long haul road was not granted as a permanent access to the quarry as part of any planning permission given by the MPA or LPA despite the fact that it passes through a parcel of land contained within the ROMP boundary (but not subject to any specific working plans).
- 5.81 Therefore, despite its current appearance, there remains an obligation to restore the land subject of this application to ecological/biodiversity enhancement land or is existing agricultural land. The proposal would result in the former brickworks and hardstanding areas being by occupied by various structures, plant and machinery on a permanent basis and the resulting
- 5.82 The proposed haul route extending for over 700m from the former brickworks site through to Ffordd Waunfawr. Given its length and exposed location it would be a prevalent feature in the landscape without any justification. The inert waste recycling area, concrete batching plants, materials storage area, maintenance sheds will be seen from the closest surrounding properties and visible from some PROW that skirt the Seiont river with longer distance from the Caernarfon bypass.
- 5.83 Although the Landscape and Visual Impact Assessment (LVIA) supplied with the application asserts that the visual impacts can be reversed by implementing restoration in accordance with conditions on existing planning permissions and has assessed each potential effected landscape area against construction, operational and restoration phases. It is not entirely clear, what the 'restoration' phase entails as the application itself proposes a permanent development with no apparent 'end date' or restoration works. Presumably, it refers to the restoration of the quarry pit that is required regardless of this development that forms part of a wider restoration requirement for the whole site.
- 5.84 As previously discussed, there is no justification for the development to be located at this site and would inevitably compromise the ability of the land to be restored successfully in accordance with existing planning permissions. In that regard, the proposal will inevitably have a negative effect on visual amenity and landscape in that it will introduce a permanent development to the site that should have been returned to a relatively natural appearance with woodland planting, scattered trees and shrub, grassland and low fertility grassland.
- 5.85 The development would have permanent negative visual impact with its associated plant, infrastructure and associated movements at a site that is overdue restoration to a natural habitat and is therefore contrary to the policy PCYFF 3 of the JLDP.

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Noise, air quality, general and residential amenities

- 5.86 The site is located adjacent to sensitive receptors located at Seiont Mill Road, Eryri Hospital, Pont Seiont public park, Morfa Common, Hendre Park residential estate as well as a number of scattered dwellings located to the east of the quarry and to the north of the proposed haul route.
- 5.87 It should be highlighted that the proposal is not a continuation of previous operations temporarily permitted. The temporary permission was assessed on the basis that it was temporary and has ceased to have effect since 15/10/2023 and did not include waste recycling area nor change of use of the land to process, saw, pack mineral materials. The proposal was screened and scoped against the EIA Regulations on the basis that the proposal was a continuation of the temporary operations when as in reality, the proposal is different to the previously regulated activity.
- 5.88 The site is subject of outstanding restoration requirements and there are no permitted activities. Information submitted with the application to assess potential impacts on the amenity of the area include a noise impact assessment. No assessment or review of existing literature (previously submitted for applications at the site) has been made of air quality and fugitive dust that might arise from the processes associated with the materials recycling, concrete batching or mineral yard.
- 5.89 The Noise Impact Assessment has assessed the impacts of the concrete batching and materials recycling (crushing and screening) but does not make any mention of the mineral yard that will include sawing, packing and general movement of the materials and heavy machinery. The assessment mentions that the modelling is based upon the incorporation of a 3m high wall surrounding the materials recycling area on the northern and eastern sides for attenuation. This wall is annotated on Drawing 1, 2 and 3 of the assessment but has been omitted from any of the drawings submitted with the application.
- 5.90 Given that site currently has no authorised activities, the proposed development would clearly result in a substantial increase in activities that have the potential substantially impact the amenity of the locality.
- 5.91 The information submitted is inadequate for the LPA to fully assess the potential impacts of the development on local amenities through noise and fugitive dust and whether any mitigation measures could adequately control these impacts. Therefore, the proposal fails to comply with policy PCYFF 2 of the JLDP.

Traffic matters, Public Rights of Way and Common Land

- 5.92 The existing vehicular access for Plas Treflan would be stopped up and redirected onto the new proposed haul route and access. The new junction layout would essentially be situated in the same location as the existing Plas Treflan access, with the haul route metalled up to 50m from the access.
- 5.93 The DAPS claims the new access would sever 3 existing access points. None of these are authorised vehicle access points to Seiont Quarry. Having inspected the site, these existing vehicular accesses include the Plas Treflan residential property, a nearby gated access to a field

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(haul road during construction of the bypass) and adjacent gated access to the bypass embankment. The proposed junction plan submitted as part of the application does not show the full extent of the alterations with the western and eastern extremity of the layout omitted. The applicant states in paragraph 10.1.4 of the ES that they would support a reduction of the speed limit to 30mph in this area to meet stopping site distance standards.

- 5.94 The Local Authority's Traffic, Projects and Footpath Service have objected to the proposed access on the grounds of inadequate visibility splay. The proposed junction layout plan shows a visibility splay at 4.5m x 110m/2.4m x 112m and 4.5m x 90m/2.4m x 101m that is substandard for a 40mph. The information submitted with the application shows a substandard proposed vehicle access and would cause unacceptable harm to the safe and efficient operation of the highway.
- 5.95 Policy TRA 4 of the LDP states that proposals that pose unacceptable harm to the safety of the highway network should be refused.
- 5.96 The Traffic Assessment has been made against a baseline of the movements associated with the bypass construction. Temporary permissions associated with the bypass construction were granted on the basis of the sites direct access to the working area that reduced the need for transporting materials on the public highway network. This was a temporary arrangement involving significant material movement over a short period of time. The temporary planning permission (C17/0011/19/MW) included direct access to the bypass and did not include the access to the Waunfawr Road nor any temporary crossing arrangement (with a temporary traffic light system in place).
- 5.97 The comparison and calculation of the existing and proposed trip generation infers that the proposed access arrangements are already in place and the bypass construction is ongoing. Table 5.2 of the Transport Assessment states that existing vehicle movements are assumed to be 56,450 (two ways), with the proposed development expected to generate 30,293 movements (two ways), therefore, it is claimed that the proposed development would result in an annual reduction of 26,157 traffic movements. It is noted that there is an inaccuracy in the calculation of the figures, and this should be a reduction of 25,956.
- 5.98 The comparison of existing and proposed traffic generations in the document is fundamentally incorrect, as it fails to account that the construction of the bypass is complete. Therefore, the current lawful traffic generation of the site is nil, and all traffic generated from the proposal would be an increase. Additionally, the temporary planning permission C17/0011/19/MW did not provide vehicle access/exit arrangements to Ffordd Waunfawr and any claim that proposal would reduce traffic generation is false.
- 5.99 Section 10 of the ES and Traffic Assessment explains that both vehicle access would operate simultaneously, with light vehicles guided to approach by Ffordd Melin Seiont and HGVs from the Waunfawr Road. There is no explanation as to how this arrangement would work in practice given the fact that direct access to the site from either side could be controlled. The Traffic Assessment states that: *"All vehicles would utilise Seiont Mill Road access. It is expected that there would be between 10 to 15 personnel on site any one time, in comparison with around 300 on site during the construction of the bypass"* and *"HGV's travelling to the site from the A487 would also utilise Seiont Mill Road. However, the majority of the HGV's are expected to utilise the proposed new access from Waunfawr Road"*.

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- 5.100 There is no evidence to suggest that the new access would provide a more direct route for the development related traffic to access and exit the site thus ensuring that HGVs would not use Ffordd Melin Seiont. Traffic generated from the development would not be restricted to any particular routing and could theoretically result in all traffic using one access in a worse case scenario.
- 5.101 The proposed new access arrangements have insufficient visibility splays and would be contrary to policy TRA 4 of the JLDP.

Hydrology and Hydrogeology

- 5.102 The application site is partially situated within Zone C2 of the Development Advice Map (DAMs) and Flood Zone 2 and 3 Rivers and Sea and partially Zone 2 and 3 Surface Water and Small Watercourses of the Flood Map for Planning (FMfP).
- 5.103 A vast proportion of the hardstanding area (the old brickworks) that would contain materials recycling area for soils, construction and demolition waste, erection of recycling plant building, concrete batching plant, change of use of land for storage (B8 Use Class), retention of workshop building, portacabins and associated parking would fall either entirely or partially within one of the above-described flood zones. The proposed haul route from the hardstanding area to Ffordd Waunfawr is situated beyond these flood zones other than when crossing a drainage ditch connecting the quarry void (now infilled)/settling ponds with the river Seiont. The existing access across the Seiont from Ffordd Melin Seiont also falls within the above-described flood zones.
- 5.104 The relevant national policy for assessing development and flood risk is TAN 15. Section 6 of the proposal requires justification of developments within zone(s) C; *“New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location.”*
- 5.105 Paragraph 6.2 of TAN 15 provides the justification tests; *“Development, including transport infrastructure, will only be justified if it can be demonstrated that:*
i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; And
iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and, iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.”
- 5.106 In terms of these tests, the application does not form the part of any Local Authority regeneration initiative or strategy to sustain the settlement, or specific employment objectives to comply with criteria *i.* or *ii.* As previously discussed in this report, it does not meet the definition of PDL (in the PPW) as required in criteria *iii.* The location of the development is therefore, not justified as required in chapter 6 of TAN 15.

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- 5.107 Regardless of the failure to justify the location in relation criteria *i* to *iii*, the applicant has submitted a Flood Consequences Assessment (FCA) in relation to criteria *iv*. The FCA has been reviewed by NRW that have raised an issue with the assessment's conclusion of impact of flood risk off site. The FCA states ***"No significant ground raising is proposed as part of the development and any modifications to site levels will be made through cut and fill techniques (no import of material). The development will therefore not remove flood storage space from the floodplain and will not increase flood risk elsewhere."***
- 5.108 Policy 'PS 5: Sustainable Development' Criterion 8 states that all developments should manage flood risk and Criterion 4 of Policy 'PS 6: Alleviating and adapting to the risks of climate change' states that developments should only be permitted where they are ***"Locating away from flood risk areas, and aim to reduce the overall risk of flooding within the Plan area and areas outside it, taking account of a 100 years and 75 years of flood risk in terms of the lifetime of residential and non-residential development, respectively, unless it can be clearly demonstrated that there is no risk or that the risk can be managed;"***
- 5.109 As discussed above, there proposal fails to meet the justification tests in section 6.2 of TAN 15 and as a result, fails to comply with policies PS 5 and PS 6 of the JLDP.
- 5.110 Table 7 and chapter 4.7 of the ES mentions that settlement ponds would be used to capture run off dust and silt from the mineral packaging area and concrete mixer wash water; ***"The proposed continuation of operations at the site will not alter the current pattern of drainage nor the quality of the surface run off. The silt controls, settlement lagoons and filtration through vegetation noted above will protect the Afon Seiont from pollution in runoff"***
- 5.111 There are no details of location, scale or how many settlement ponds would be created. There is no further detail provided for water management at the site or how run off material from onsite processes would be effectively captured from polluting the river network.
- 5.112 The application form states foul sewage would be disposed by mains sewer but that it would be connected to the existing drainage system. Details of connection to the existing system are stated to be "as per previous connection", however, the ES notes in Paragraph 12.2.4 ***"This accommodation currently operates with a cess tank arrangement but would be connected to mains drainage (subject to DCWW confirming their previous agreement to this connection) and services, which will remain for the duration of the proposed continued use. There is no risk of discharges to the River Seiont."***
- 5.113 Currently, there is no authorised foul sewage system at the site. During the construction of the bypass, a planning Application for non-material amendment (under reference C19/0837/19/DA) to planning permission C17/0011/19/MW did permit the installation of a package treatment plant at the site. This permission was conditioned so as to comply with remainder of conditions contained in C17/0011/19/MW and should have been decommissioned and removed from site following the expiry of the temporary permission. It should be noted that the non-material amendment gave permission for the use of package treatment plant and not a cesspit tank as mentioned in the ES.

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- 5.114 The information in the application form and ES is self-contradictory and no details of specification or location of the existing cesspit tank and proposed connection to the mains sewer system have been submitted with the application.
- 5.115 It is understood that the justification for allowing the use of a non-mains drainage scheme in a mains sewer area was on the basis of the development being temporary (for the duration of constructing the bypass). Given the contradictory nature of the application form, apparent existing use of an unauthorised cesspit tank at the site and lack of detail of any connection to the mains, the proposal is in contradiction of paragraph 6.6.21 of PPW that requires ***“Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible. The installation of private sewage treatment facilities within publicly sewered areas is not considered acceptable because of the greater risk of failures leading to pollution when compared to public sewers. Where non-mains sewage proposals, such as septic tanks and or independent sewage treatment systems, are included in development applications they should be subject to an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application.”***
- 5.116 The lack of clarity for foul sewage displacement and pollution runoff is contrary to the requirements of criterion 7 of policy PCYFF 2 of the JLDP where proposals should be refused if unacceptable impact would arise from activities that might lead to pollution.
- 5.117 Therefore, the proposed development fails to comply with TAN 15 and policies PS 5, PS 6 and PCYFF 2 of the JLDP.

Ecological and biodiversity matters

- 5.118 There are issues concerning biodiversity with this proposal that may be considered on many levels. The site itself is not subject to any environmental constraints such as a European SAC or National SSSI designation and for the most part, does not include any local biodiversity constraints, with the exception of the mature broadleaved woodland along the riverside south of the access bridge which is designated as a local wildlife site.
- 5.119 There exists however, established pathways connecting the site with statutory SAC designations within the wider landscape. The closest Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) are;
- SSSI ‘Afon Seiont’ located 450m west.
 - SAC ‘Y Fenai a Bae Conwy’ located 1500m downstream.
 - SAC a SSSI ‘Afon Gwyrfa i Llyn Cwellyn’ located 1700m south.
 - SSSI ‘Pant Cae Haid’ located 2.6km west.
 - SSSI ‘Y Foryd’ located 3.5km west.
 - SSSI ‘Morfa Dinlle’ located 4km west.
 - SAC ‘Y Twyni o Abermenai i Aberffraw’ located 4.5km west.
 - SAC ‘Glannau Mon: Cors Heli’ located 5km west.

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- SSSI 'Glynllifon' located 5.1km south.

5.120 The applicant has provided an Ecological Impact Assessment (EcIA) and Habitats Regulations: Test of Likely Significant Effects report in support of the application.

5.121 The Afon Seiont is an important foraging and commuting route for Lesser Horseshoe Bats with several bat roosting sites (such as the derelict building on the former brick store) along the course of the river including bat roosts at the Peblig Industrial Estate. A new culvert has been constructed under the bypass a flight path for Lesser Horseshoe Bats. The submitted ecological survey show records of Brown long-eared bats, Pipistrelle bats, Noctule bats and Myotis bat species as well as a possible Serotine bat in the vicinity of the quarry. Given the river corridor's importance as foraging and commuting routes it is likely that lighting and noise from the proposals would impact bat species.

5.122 Other protected species recorded in the immediate vicinity that are likely to be impacted by the proposals include otters and reptiles. The submitted EcIA notes that it is likely that grass snake, slow worm and common lizard are present, however no surveys have been undertaken. As such a Reptile and Amphibian survey and habitat creation is required prior to commencement of the development.

5.123 Various non-native invasive plant species including Himalayan Balsam, Galinagle, Buddleia and Giant Hogweed grow at various parts of the site. The proposed inert waste treatment facility would also increase the risk of importing further invasive species to the site. Therefore, it is recommended that a non-native invasive plant species control and eradication plan for construction and duration of the development is provided with a monitoring and eradication report to be submitted annually.

5.124 The submitted EcIA provides a mitigation measure that include;

- Ecologist during construction.
- Lighting - During construction, no night-time working must be undertaken. A safe 'dark corridor' must be maintained along the length of the Afon Seiont to allow movement of migratory fish, Otter, and Bats.
- Silt barrier mesh or traps must be fitted throughout construction to avoid surface run-off of silt into the Afon Seiont.
- Artificial mesh barrier is frequently used around the lower margin of works areas and/or at the mouth of a drain flowing from site into the tributary to trap silt. A novel solution is to plant the drain with Reedmace Typha latifolia which occurs naturally on site. It interrupts silt and purifies water, while supporting a level of biodiversity in the interim Cement dust prevented using sealed cement silos with filters and by concrete batching plant operations meeting Regulation 13 of the Environmental permitting (England and Wales) Regulations 2016, regulated by the Local Authority.
- Airborne dust will be suppressed and controlled using water sprays fitted to crushing and screening plant.

5.125 In terms of ecological enhancement, the EcIA recommends;

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- Multiple wetland areas of varying sizes and depths for amphibians and invertebrates.
- Uneven topography – mounds, banks ridges and drains to provide multiple microhabitats.
- Tree planting & woodland creation.
- Using Yellow Rattle *Rhinanthus minor* as a grassland remediator, and also a potential receptor site for the translocation of the three common reptile species.
- Planting of is Silver Birch, Sessile Oak, Hawthorn, Alder, Hazel, Elder, Beech & Small-leaved Lime.

5.126 The Biodiversity Unit have made the following comments in relation to the recommendations;

- Fields along proposed access track should be managed as traditional hay meadow.
- Tree planting should also include Bulace and Crap Apple to support pollinators, badgers and hedgehogs.
- The planting of non-native trees to absorb nitrogen and sound generated from the proposed STOR Peaking Plant is not an ecological enhancement in relation to this proposal.
- Section 5.5 of the EcIA notes proposals to redevelop the former bat roost in the brick yard.
- This bat roost should be enhanced/maintained as it is currently serving as an established bat roost.
- The addendum to the ES following the revision of the application does not fully consider the additional dust and noise impacts of constructing flood attenuation ponds and the application lacks clarity as to what habitats would be within the footprint of the basins.

5.127 Regardless of the EcIA recommendations, the authority's Biodiversity Unit have reviewed the application proposals and have stated that they object to the proposal without further information on;

- Invertebrate survey (especially for dingy skipper butterfly, dragonflies & damselflies) Plans showing biodiversity enhancements.
- Lighting Plan & illumination map & lighting Strategy.
- Enhancement of existing bat roost and provision of additional bat roosting features for Lesser Horseshoe Bats.
- Invasive species control/eradication.
- More details on drainage and control of concrete dust, to avoid it going into River Seiont.

5.128 Information required by the Biodiversity Unity has not been submitted for the proposal and therefore, protection and improvements to local biodiversity cannot be ensured. The proposal is therefore contrary to the requirements of policy PS 19 and AMG 5 of the Gwynedd and Anglesey Joint Local Development Plan which relates to protecting and improving biodiversity and contrary to the advice given within Technical Advice Note (TAN) 5: Planning and nature conservation.

Habitats Regulation Assessment

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- 5.129 As the competent authority under regulation 63 of 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 designations.
- 5.130 A document submitted by the applicant has considered several relevant SACs including Glynllifon SAC designated for its population of LHS Bats. This species of bat is known to use the river corridor as a flight and foraging route and a roost is located within the quarry site (beyond the application boundary). The applicant has provided a document to inform the HRA process with a suggestion that a condition is an acceptable method to control impact of lighting on the bat flight routes that connect to the Glynllifon SAC.
- 5.131 An appropriate assessment and integrity test is required in the event of a proposal having a likely significant effect on a SAC site. Given that no information has been submitted in relation to external lighting and resulting illumination, it cannot be ruled out that the proposal would harm the site's ecological connectivity with the wider landscape. In this instance, that connection is the woodland and river corridor that supports the designated species from the Glynllifon SAC. Without this information, the LPA cannot rule out reasonable doubt that the proposal would not have an adverse effect on the integrity of the site and there is no certainty that supplying mitigation measures by way of condition would successfully work to avoid or reduce effect on site.
- 5.132 The LPA considers that the proposal fails integrity test because adverse effect on the site integrity cannot be ruled out. The application should therefore be refused in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Archaeology and cultural heritage

- 5.133 Caernarfon is rich in cultural heritage assets and the site is located within 1.5km of the Caernarfon Castle and Town Walls World Heritage Site, Segontium Roman Fort and Llanbeblig Church. In addition, there are Grade II listed buildings, Bryn Eglwys & Bryn Eden in close proximity to the quarry as well as a Grade II listed, 19th Century Park designed around an artificial lake located beside Seiont Mill Road, approximately 250 metres from the nearest part of the application site.
- 5.134 The site itself is formed of deep reserves of Ordovician clays overlain by Quaternary glacial deposits, where previous site investigations have revealed sediments of great significance to the understanding of Quaternary events in western Britain, including wood fragments, cones, pollen & beetle remains. The site has been designated as a Regionally Important Geological Site (RIGS), but which has been subject to extensive expansion of the brickworks since its establishment in the mid-19th Century.
- 5.135 No response was received from CADW to the consultation. The LPA does not consider that the proposed development would have a significant detrimental impact on cultural heritage. There may be partial views of lorries using the haul route Caernarfon Castle and Town Walls. However, from this position, it is not considered that this would have a significant impact on the Outstanding Universal Value of the World Heritage Site. Furthermore, this report concurs with the conclusions of the cultural heritage assessment that the indirect impacts on wider heritage assets, listed buildings and conservation area within the Caernarfon 19th Century settlement would be negligible.

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- 5.136 Heneb have commented that since the PAC conducted by the applicant, they have received a 'Post-Excavation Assessment Report on the bypass (Oxford Archaeology report 2277, November 2023, rev. May 2024)'. This is the first detailed reporting stage of the bypass project and includes preliminary specialist work, including assessment and radiocarbon dating. In addition to post-medieval agriculture, the archaeological features found along the section closest to the proposed development are now known to represent dispersed prehistoric activity, based on pottery and an Early Bronze Age radiocarbon date. There is potential for associated remains to be encountered during the proposed development.
- 5.137 In light of this information, they have recommended that if the proposed development is granted, it should be subject to an archaeological programme that should consist of; (1) a Level 11 record of the affected part of the property of Plas Treflan prior to construction work; and (2) a formal programme of observation and recording on an intensive basis - that is, during specific sensitive works, in this case groundworks in previously undisturbed ground north of the current operational area – together with post-field work, reporting and archiving as appropriate to the discoveries made. All aspects of the programme must be undertaken by a professional archaeological firm, who should agree the scope of work with us in advance.
- 5.138 Subject to the appropriate conditions and mitigation measures, it is considered that the proposal would 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

- 5.139 Section 1 (a) of strategic policy PS 1 'The Welsh Language and culture' notes that a Welsh Language Statement needs 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".
- 5.140 In response to this need, the applicant has provided a Welsh Language Statement that has addressed any potential effects of the development on the language and local community by considering;
- Potential language and population movement.
 - Visibility (signage).
 - Employment.
- 5.141 The statement notes that the development would require 15 permanent members of staff, however, these will be existing staff from the applicant's workforce (presumably transferred from other projects or sites).
- 5.142 At the time of writing the report, the Council's Language Unit had not responded to the consultation, but observations are expected before the Planning Committee meeting. However, 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.

Changes to national planning policy

- 5.143 Since the submission of the application, Welsh Government have published a revised TAN 15 on the 31st of March 2025. The revised TAN 15 is titled 'Development, flooding and coastal erosion' and is accompanied by Circular 002/2025 'Guidance on The Town and Country Planning

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(Flood Risk Area Development) (Notification) (Wales) Direction 2025’ and clarification letter from the Chief Planner of the Welsh Government’s Planning Directorate.

- 5.144 Section 1 of the new TAN 15 states “This document replaces Technical Advice Note 14, published in 1998 and Technical Advice Note 15, published in 2004. Development Plans and planning decisions should no longer refer to those documents.”
- 5.145 However, the clarification letter states “...the publication of new guidance may have impacts on the processing of planning applications so there will be a transitional period for the implementation of the TAN. Planning applications which were submitted and registered before the publication of the new TAN will continue to be assessed against the previous version...”
- 5.146 Therefore, official guidance from the Welsh Government is for planning applications submitted and registered prior to the 31st of March 2025 is for assessment of flood risk to be made on the policy content of the 1st edition of TAN 15 published in 2004. Although official guidance states that the new TAN 15 is not applicable to assess this application, the LPA considers that the proposal would likely be contrary to the guidance of the newly published TAN 15 (2025).

6. Conclusion:

- 6.1 The proposed development comprises of materials recycling area for soils, construction and demolition waste, erection of recycling plant building, concrete batching plant, creation of new vehicular access and internal haul routes, retrospective change of use of land for general storage (B8 Use Class) that includes processing, sawing, packing of mineral materials, retention of workshop building, portacabins and associated parking.
- 6.2 It is not demonstrated that the proposed waste development complies with policies GWA 1 and GWA 2 f the JLDP and TAN 21.
- 6.3 The site is not located adjacent to the development boundary of Caernarfon. Furthermore, the site is not considered to be previously developed land by definition as set out in PPW12, as the extant mineral permissions have obligations to restore the land beneficial to wildlife or agriculture. The site is located in very close proximity to a hospital and residential dwellings with inadequate assessment of the potential impacts of the proposal. The applicant has not demonstrated that the development complies with policies PS 13 and CYF 4.
- 6.4 The application area lies entirely outside of and unconnected to the closest development boundary of Caernarfon. Given that each element of the proposed development, either in combination or independently have failed to demonstrate that they must be situated in the open countryside, it is considered that the application does not comply with policy PCYFF 1.
- 6.5 There is no evidence to suggest that the new access would provide a more direct route for the development related traffic to access and exit the site thus ensuring that HGVs would not use

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Ffordd Melin Seiont. Traffic generated from the development would not be restricted to any particular routing and could theoretically result in all traffic using one access in a worst-case scenario. The proposed new access arrangements have insufficient visibility splays and would be contrary to policy TRA 4 of the JLDP.

- 6.6 The proposal fails to meet the justification tests in section 6.2 of TAN 15 for locating development in flood risk areas and as a result, fails to comply with policies PS 5 and PS 6 of the JLDP. Contradictory information on foul sewage displacement and lack of information on pollution runoff is contrary to the requirements of criterion 7 of policy PCYFF 2 of the JLDP where proposals should be refused if unacceptable impact would arise from activities that might lead to pollution.
- 6.7 Information required by the Biodiversity Unit has not been submitted for the proposal and therefore, protection and improvements to local biodiversity cannot be ensured. The proposal is therefore contrary to the requirements of policy PS 19 and AMG 5 of the Gwynedd and Anglesey Joint Local Development Plan which relates to protecting and improving biodiversity and contrary to the advice given within Technical Advice Note (TAN) 5: Planning and nature conservation.

7. Recommendation:

- 7.1 To delegate powers to the Head of the Environment Department to refuse the application for the following reasons;
1. The application does not demonstrate identified need for a new waste management facility with insufficient information provided in the Waste Planning Assessment and fails to comply with all criteria in policy GWA 2 and is therefore, contrary to the requirements of policy GWA 1 and GWA 2 of the Gwynedd and Anglesey Joint Local Development Plan 2017 and TAN 21.
 2. The application site is not located within or adjacent to a development boundary, it is not on previously developed land and with inadequate assessment of the potential impacts of the proposal on the locality and fails to comply with all criteria of policies PS 13 and CYF 4 of the Gwynedd and Anglesey Joint Local Development Plan 2017.
 3. The application area lies entirely outside and unconnected any development boundary and fails to demonstrate that the development must be situated in the open countryside and is therefore contrary to policy PCYFF 1 of the Gwynedd and Anglesey Joint Local Development Plan 2017.
 4. There is no justification for the location of the development that would result in a permanent negative visual impact with its associated plant, infrastructure and associated movements at a site located in the open countryside that is overdue restoration to a natural habitat under existing under an existing planning permission condition and is therefore contrary to policy PCYFF 3 of the Gwynedd and Anglesey Joint Local Development Plan 2017.
 5. The proposal as submitted is considered to be contrary to the requirements of Policies PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan 2017 because inadequate information has been submitted for the Local Planning Authority to fully assess the potential

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impacts of the development on local amenities through fugitive dust and whether any mitigation measures could adequately control these impacts.

6. The proposed new vehicle access and junction layout visibility splay is substandard and poses and unacceptable harm to the safety of the highway network and is contrary to the requirements of policy TRA 4 of the Gwynedd and Anglesey Joint Local Development Plan 2017.
7. The application's location within a Zone C2 on Development Advice Map (DAMs) and Flood Zone 2/3 Rivers of the Flood Map for Planning (FMfP) is not justified as it fails to comply with criteria i, ii, and iii of Chapter 6 of TAN 15 (2004) and is therefore contrary to criterion 8 of policy PS5 and criterion 4 of policy PS6 of the Gwynedd and Anglesey Joint Local Development Plan 2017.
8. The lack of clarity for foul sewage displacement and pollution runoff is contrary to the requirements of criterion 7 of policy PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan 2017 where proposals should be refused if unacceptable impact would arise from activities that might lead to pollution.
9. Insufficient information has been submitted to enable the Local Planning Authority as the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), to make an appropriate assessment on the implications of the project on the Glynllifon Special Area of Conservation and to ensure protection and improvements to local biodiversity, therefore, the development is contrary to policies PS 19 and AMG 5 of the Gwynedd and Anglesey Joint Local Development Plan and advice given within Technical Advice Note (TAN) 5: Planning and nature conservation.