



Community Objections

to the Restarted Application of *Jones Brothers (Civil Engineering) Ltd* subsidiary,
Seiont Ltd:

concerning the Old Brickworks Site – Caernarfon

Ref: C24/0297/19/LL

‘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.’

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**These Appendices are attached in files emailed separately*

1. Introduction

The **Caernarfon Lân** Group, represents the communities surrounding the Old Seiont Brickworks site and beyond: **local residents and other citizens who are deeply concerned about the proposals of the Applicant.** For over 18 months, we have been examining and researching the issues raised by many aspects of their two development applications: the DNS application submitted to PEDW for installation of a ten-engine STOR and the application to the Council's Planning Department, addressed in this document, for the establishment of adjoining concrete processing operations and associated road changes.

As Planning Officers are aware, **we have already submitted 83 pages¹ of analysis and comment concerning the Application at issue here,** in the form of a main objection document and two appendices (the first covering relevant implications of the proposed contiguous DNS installation and the second addressing the inadequate *Green Infrastructure Statement* submitted by the Applicant). The Senior Minerals and Waste Planning Officer overseeing the application to the Council has assured us that these substantial documents will be a '*material consideration in assessing and determining the application*' and that we do not need to resubmit them in response to the current 'restarted' application.

The contents of this document should therefore be regarded as supplementary to our previous suite of comments, not replacing but adding to them. We introduce here **important new analysis material, acquired since our earlier submission,** which we have been able to commission from two expert consultancy firms: **Suono UK** and **Air Pollution Services of Kalaco Group Ltd.** These consultants have produced detailed analyses of the *ITPEnergised* impact reports and other comments on Noise and Air put forward by the Applicant. **We comment briefly on the new material they have provided in sections 2.1 and 2.2 below, where we urge the Planning Team and their Committee to pay close attention to the actual report contents included in Appendices A & B to this document.**

In section 3 below we address aspects of the Applicant's claims concerning the **planning status of the site** and, in relation to this, have included in Appendix C relevant extracts from our last submission to PEDW, following the Inspector's queries and the Applicant's responses concerning the planning status of the site and its restoration. **This material is relevant to the restarted Application, and is included here as it has been produced since our last submission to Cyngor Gwynedd Planning Team.**

In section 4, we include **comments on the map provided by the Applicant in their Appendix H,** which shows the locations of other 'concrete and recycling sites' and which, as we indicate, does not strengthen their case as to the suitability of the proposed site for the activities they intend to carry out. **We also include here details of video evidence collected by members of our Committee, showing the recent transportation of materials on and off the site, in breach of current planning conditions.** This video evidence, accessible on YouTube, **shows the potential disturbance and pollution threat to local residents from the heavy traffic projected for the proposed development,** should it be allowed to proceed.

In Section 5 we offer our *Concluding Comments* on this case.

¹ *Council Officers already have these Documents on file - they can also be viewed by pasting the following into a browser:*

Main Document: <https://cloud.caernarfonlan.cymru/index.php/s/rwNNHJgDbdpmWNR>

Appendix 1: <https://cloud.caernarfonlan.cymru/index.php/s/3G8HrL8QPycDEAj>

Appendix 2: <https://cloud.caernarfonlan.cymru/index.php/s/KWWMJkAqrs4j88>

2. Further Analysis of the Applicant's Noise and Air Quality Assessment Reports

Since the submission of our last comments on this application prior to its 'restart', and thanks to the generous donations of many local residents and other supporters, *Caernarfon Lân* have been able to engage the services of *Suono UK* and *Air Pollution Services* (APS) to examine the Noise and Air Impact Assessment Reports, respectively, that have been produced by Jones Brothers' contracted consultants, *ITPEnergised* (ITP).

2.1 Noise:

Our Consultants, *Suono UK*, have produced a technical response to the Applicant's Noise Report that highlights significant flaws in ITP's underpinning methodology, leaving its conclusions ill-founded.

The *Suono UK* report (*Appendix A to this document – emailed separately*) speaks for itself and we would urge the Planning Team and its Committee to pay close attention to its findings and to share it with the Council's Public Protection Team, whose own observations are referred to by our consultants.

Because the Applicant's own Noise Assessment for this Application is itself a 'combined assessment', factoring in aspects of the proposed contiguous STOR plant and its operation, the *Suono* Report addresses the implications of both of the proposed operations; however it does so in a way that enables conclusions to be drawn about each independently of the other. Because of the acknowledged relevance of cumulative noise effects, we maintain that the whole of the *Suono* Report is relevant to the current Application to the LPA and hence submit it in its entirety.

Suono's comments are far ranging, including on ITP's lack of appropriate attention to current and emerging legislation, policy and guidance; on noise sources, assessment and modelling; on the likely contribution of the STOR installation and on ITP's survey results.

The *Suono* report conclusions are as follow:

"Suono make a number of comments relating to the noise aspects of both assessments. If these are not addressed, significant adverse noise impacts on nearby residents can be expected, including on patients within Ysbyty Eryri. These issues can be summarised as:

- ***No consideration of current legislation and policy, nor the direction of national policy.***
- ***Incorrect and missing noise data and sources within the noise modelling (significantly, no consideration of HGV movements on the access road), leading to underprediction of noise impacts.***
- ***Inappropriate quantification of background noise levels and criteria leading to underprediction of noise impacts.***
- ***Inappropriate modelling methodology leading to underprediction of noise impacts.***

As such, significant noise impacts would be expected to arise from either application, even before any consideration of cumulative impacts of both schemes progressing.

Further issues may come to light (or freshly arise), should the above points be remedied and the Noise Assessment Reports be updated."

2.2 Air:

Our Consultants, *Air Pollution Services*, have produced a technical response to the Applicant's commissioned *Air Quality Assessment Report - v 2.1* on the STOR DNS proposal to PEDW, produced by *ITPEnergised*, and have also commented on the Scoping Report, Scoping Opinion Letter and Environmental Statement relating to the concrete processing application here under discussion. We include, as *Appendix B* to this document (emailed separately), the relevant report extract: *Section 4*, which comments on the latter.

Here again, we urge Officials and Planning Committee Members to pay close attention to its findings and to the observations made by our Consultants, not least because, as well as confirming the validity of our previously submitted **concerns regarding the scoping out of air quality from the EIA**, they raise a new concern regarding **the need for proper attention to climate change to be included**.

The APS conclusions on this Application are as follow:

- *“There has been no consideration of air quality or climate change effects of the proposed materials recycling facility in the EIA. Air quality has been scoped out largely due to the applicant incorrectly stating there were no complaints during the use of the site as a construction compound for the Caernarfon Bypass.*
- *Climate change has been scoped out due to a claimed ‘no material change’ in the number of vehicles and plant associated with the proposed development compared to the use of the site as a construction compound for the bypass. This approach failed to take account of the different impacts of temporary and permanent consents.*
- *There is a difference between a temporary consent and a permanent consent both in terms of the duration and magnitude of the impacts and the effect on the amenity of local residents. These issues should not have been scoped out.”*

3. Planning Issues

Caernarfon Lân have already made extensive comments on the complex planning issues relating to the Applicant's proposed site and on the **convoluted and extremely tenuous arguments of their Agent in Cadnant Planning on the status of various permissions, past and present**². We believe that the Council's Planning Department should have several points of disagreement with these arguments and have attached, in Appendix C to this document (*emailed separately*), extracts from our last submission to PEDW commenting on the Applicant's responses to two of the Inspector's queries, concerning the planning status of the site and the restoration conditions. The same text used by Cadnant Planning in their 'Supporting Letter' for this application to the LPA was also submitted to PEDW, as part of the final DNS Application; therefore our Appendix C extracts, which post-date our original submission on the Application to Cyngor Gwynedd, are supplementary and highly relevant as part of this consultation response.

We assume that the 'retrospective approval' for change of land use to Class B8, requested as part of the current application to the Council, is because **the Applicant was discovered, around July / August of last year, to have been carrying out activities on the site in contravention of current planning permissions** (*See enforcement case (reference number G24/0155)*). Such behaviour on the

² See the 'Supporting Letter' from Cadnant Planning, submitted to the Planning Department as part of the current Application.

part of the Applicant certainly must undermine any chance of confidence that they would conduct their activities with care and responsibility in future, were their application to be approved with conditions.

We also now seek clarification on the change of use class requested by the Applicant, as we believe the intention remains to carry out concrete crushing and production of recycled concrete, as opposed to using the site for “*storage or as a distribution centre*”, which is the description usually applied to Use Class B8. We also note the following, from a UK Government Rating Manual, recently viewed:

‘The use of land for a concrete batching plant falls within class B2 of the Town and Country Planning (Use Classes) Order, 1987 (As Amended) (SI 1987 Number 764) and care must be taken when considering any comparable rents that they are for land within the same General Industrial Class. In industrial or developed areas there sometimes exists considerable variation in value between B2 uses and B8 land used for general storage purposes.’³

We ask that Planning Officers consider the implications of this apparent anomaly and investigate as to why the Applicant is now seeking to add ‘processing, sawing, packing of mineral materials’ to their B8 request as opposed to seeking B2 permission for the processing and concrete production activities that they presumably still intend to carry out.....

Finally, we wish to point out that, **if any change of use permission were to be granted, retrospective or otherwise, that would be inconsistent with the two sets of restoration conditions** that have been applied to the site under permissions C17/0011/19/MW and C00A/0441/14/MW. The former of these permissions now having expired, restoration must now take place and excuses, such as we have heard from the Applicant, that they do not have enough ‘waste material’ to enable them to comply with the requirement, should not be accepted. The second restoration requirement is under the 1951 permission, C00A/0441/14/MW, and since the activities related to that permission have long since ceased and will not recommence, the restoration required under that permission should also now be carried out.

We have commented and written much on the vital need for the restoration of this site. Quite apart from the very serious effects on Local People and their Environment, **approval of the current application would lead to many years of increasing degradation of the site itself, building up an unjustifiable burden on future administrations and the people they are elected to serve.**

Clearly the decisions about the planning status of the site will materially affect the PEDW DNS examination; therefore a great deal hangs on the progress or otherwise of this Application to the LPA. **Please therefore consider carefully our comments in Appendix C.**

We urge the Council to stand firm against any further challenges from the Applicant over the planning status of the site and the requirements to restore it and wish to add that Caernarfon Lân will be very happy to engage in the discussion of any future plans for restoration.

³ <https://www.gov.uk/guidance/rating-manual-section-6-part-3-valuation-of-all-property-classes/section-285-concrete-batching-plants>

4. Other supplementary comments and evidence

Comments on the Applicant's Appendix H

The map provided in Appendix H shows the location of existing concrete batching sites and materials recycling sites in North-Western Gwynedd, in relation to Seiont Quarry and the road network. All the companies sites listed are situated away from sensitive areas such as residential estates, recreation facilities, hospitals and schools, and have direct access to major roads (A5/A55/A487) without passing through populated areas with 20 mile per hour traffic restrictions. Therefore the listed companies activities do not cause disturbance, dust, noise and vibration, traffic and safety risk for local residents.

| Concrete Batching Plants | Aspects of Location |
|--|---|
| Hanson (Heidelberg) Ready Mix, Recycling and Quarry LL65 4PW | Situated outside Gwalchmai Village with easy access to A5 |
| Hogan Concrete Ltd, Cyttr Road, Bangor LL57 4DA | Rural location outside Bangor with easy access to A55 |
| Porthmadog Concrete LL52 ORD | Rural area outside Porthmadog with easy access to A487 |
| Cambrian Services Ltd, (Owned by Jones Brothers Civil Engineering) Bryncir LL51 9LX | Outside the village of Bryncir - easy access to the A487 |
| Cwmni Gro, Sarnau, Bala | Very rural location with easy access to A494 - A470 |
| Jones Brothers' Proposed Site: Seiont Quarry, Caernarfon | <p>Within a sensitive area in Caernarfon: residential; recreational; hospital; schools and close to designated Ancient Woodland with effects on Bontnewydd, Caeathro and Llanrug.</p> <p>Two proposed access routes to site: Waunfawr Road and Seiont Mill Road</p> <p>1) <u>Possible routes to the Waunfawr Road access:</u></p> <ul style="list-style-type: none"> a) A487 - Ferodo Roundabout - Caernarfon town (20 mph traffic restriction) - Constantine Rd - past Hendre School on Waunfawr Rd - to site access. b) A487 - Caeathro Roundabout - to reach this roundabout, HGV traffic will travel through village of Bontnewydd (20 mph traffic restrictions) - past residential area and playing/football field to reach the Caeathro Roundabout. c) A487 - Caeathro Roundabout - to reach this roundabout HGV traffic will travel through Llanrug or Waunfawr villages – (20 mph traffic restrictions apply). <p>2) <u>Possible route to Seiont Mill Road access:-</u></p> <ul style="list-style-type: none"> a) Bontnewydd By-pass to Meifod Roundabout - Seiont Roundabout - 20 mph traffic restriction to Seiont Mill Road - narrowing to a single lane road - passing Hospital entrance, entrance to Town Park with children's playing facilities, Rugby training field and club, Lon Eifion cycle track access and residential area. The residents use Seiont Mill Road as their sole access to their properties. |

The raw materials will be transported to the proposed concrete batching and recycling plant, using HGV lorries with a payload of around 30t + per vehicle, that is three times the weight of a concrete mixer truck. It is stated that one heavy HGV lorry will arrive at the site approx every 5 minutes - Monday to Saturday (am) weekly.

The wear and tear on the roads will be considerable as was seen on the Seiont Mill Road after the Bontnewydd by-pass construction. This will put extra financial burden on the Council to secure extra funding for routine repair and maintaining road surfaces.

Due to many of these routes going through built up and residential areas with very heavy loads (30t +) there are concerns about stopping distances and the stability of the cargo in these situations. There has already been one pedestrian fatality and at least one known life changing casualty on two of these proposed routes and introducing heavy loads at such a high frequency, which have much longer stopping distances than cars, could be putting lives at risk. There are also concerns about the stability and safety of those loads in a residential setting if the HGVs must quickly decelerate or change direction to avoid pedestrians walking on the roads, including children (two of the routes are near schools or football fields used by children). 30t of rubble in an open trailer, or even if partially covered by fabric/tarp, when rapidly changing direction could potential spill; this is a clear safety concern.

There are already known risks to public safety on these routes - issues that have yet to be fully addressed by the Council. Approving additional heavy traffic without addressing those base concerns would risk being viewed as negligent. The additional concerns regarding these heavy loads, concerns that overlap with already outstanding issues, are materially important to the Planning Committee's consideration of the Application in question. Public safety is of paramount importance and all steps must be taken to prevent any other casualty from occurring.

The Applicant's proposal is not suitable for an urban site. There is no financial or employment benefit to Caernarfon and the surrounding villages from this development; it would bring significant risks to pedestrians and would lower the quality of life for all residents and hospital patients. The applicant should seek an alternative site elsewhere that doesn't adversely affect a residential area and that has safer access to trunk roads.

Evidence of the type of disturbance, pollution exposure and amenity loss that Residents experience from Jones Brothers' use of their site access track

Despite the discovery by the Council's Planning Department in July/August 2024 (referred to above under section 3) that the Applicant was carrying out activities on the site in contravention of current planning permissions, and despite the Council's instruction to desist and the contravention order then issued, members of Caernarfon Lân Committee, who are also residents on Seiont Mill Road, gathered a great deal of video evidence that the Applicant was subsequently continuing such activities. A selection of this date-stamped evidence has been made available on YouTube and can be accessed by pasting the following into a browser:

<https://www.youtube.com/watch?v=ILMGseZPQqo>

These clips illustrate very well the dangerously close proximity of the heavy vehicles and their loads to the backs of people's properties; the level of disturbance would increase and become a regular and permanent imposition on their lives and well-being, were the Applicant's proposals be allowed to proceed.

5. Concluding Comments

In our various submissions, comments and communications on this Application and on its parallel DNS Application to PEDW, we have raised, as reasons for their refusal, **multiple points (with supporting evidence) on a wide range of issues**. Jones Brothers and their consultants will no doubt seek to address and dismiss each of those points separately and often on minute technicalities: such as the interpretation of a 'full stop' in Welsh Government's *Planning Policy Wales 12th Edition*, a point argued by their agents, Cadnant Planning in their defences concerning Previously Developed Land! (*Supporting Letter – Page 4, third paragraph*).

Some of these hard worked, technical defences, often on the finest margins of acceptability, may ultimately be considered by the Planning Team and their statutory consultees to secure a more or less stable foothold in favour of the Applicants case. However as we and our consultants scrutinise such defences more closely we become ever more certain that they cannot defend every point, let alone convincingly, and when the issues raised and the weight of evidence presented by us are considered, as they should be, **in the round**, there can be no justification for the approval of this wholly unacceptable application. The need to consider the case in the round, i.e. in terms of the **integrated impact assessment** required by proper adherence to the **Well-being of Future Generation (Wales) Act 2015**, is beyond question; therefore the winning of any number of finely argued points by the Applicant cannot, alone, be sufficient to justify approval in this case.

Finally, the Council must, without doubt, exercise the greatest possible diligent and precautionary effort in safeguarding the current and future well-being of the citizens who have entrusted it with their protection. Over 1,600 people have signed the Caernarfon Lân Petition opposing Jones Brothers' proposals and many of them have donated money to secure the services of our technical consultants. Thanks to the **Environmental Law Foundation (ELF)**, we have secured the help of a **pro bono Barrister** whose advice continues to be invaluable to us. As officers and Council members will note from all of this, there is an **ever-growing weight of support and determination to build insurmountable opposition to the two applications** threatening local people and their environment.

That opposition will persist and grow, whatever decisions and future appeals might be made, until the Application is overturned and restoration of the site begins.