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Mr Andrew Sumner
Principal Landscape Architect
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55 Well Street
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Your Ref/Eich Cyf	3030/05 APCS
Our Ref/Ein Cyf	6/RM/A23/DGJ/2015
Date/Dyddiad	30 th July 2015
Ask for/Gofynner am	Mr. D G Jones
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Dear Mr Sumner,

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended)

- A. Amendment to the previously approved landscape restoration scheme (Condition no. 2) of Planning Permission code C00A/00441/14/MW, to include land stabilisation measures by removal of overburden above the slope areas on the northeasterly side of the quarry;**
- B. Temporary Change of Use of the former Seiont Brickworks and brickyard area on the west of the quarry into site staff accommodation and welfare area and car parking and operations plant;**
- C. Formalisation of existing quarry haul route on southern side of quarry void, and formation of a new haul route on the north side to include new engineering works;**
- D. Ancillary Works including processing of on-site brick reserves including a temporary minerals processing plant.**

I refer to the above planning application and enclose for your attention, the authority's screening opinion under regulation 5. As stated in my email of 17th July 2015, an extension to the working face of the quarry cannot be dealt with as an amendment to the restoration scheme under condition '2' of planning permission C00A/0441/14/MW and constitutes development requiring planning permission in its own right.

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Your letter does mention that surplus soils would be suitable for covering bare surfaces which would be brought in from the A487 bypass scheme for use in rehabilitation and landscaping for completed areas of the quarry. Your letter goes on to say that further minerals generated by the works to stabilise the quarry sides, or from excavations required for the bypass might also require processing to maximise their value for construction.

I note you say that the full extent of the application will be determined in the near future and that facilities might be retained for a further period to serve the site during the 5 years of bypass aftercare and during the rehabilitation of the quarry. This would indicate that the site would continue to import materials after the completion of the bypass. Whilst there exists an extant permission for the winning and working of brick clay, a new application would need to be considered on its merits and any development involving the use of the site as a borrow pit in connection with the bypass scheme or as a depository for excavation arisings in works of restoration would need to outline clear reasons in planning terms to justify the proposal.

I would refer you to Welsh Government planning policy guidance where the requirements of Technical Advice Note 21: Waste, along with the Regional Waste Plan objectives, outline the need to develop a sustainable network of facilities for waste treatment, with particular emphasis on the need to provide facilities for re-using and recycling waste. More recently, the Welsh Government has issued a revision to its waste planning policy, including Chapter 12 of Planning Policy Wales Edition 6, and Technical Advice Note 21:Waste. The changes are considerable and reflect significant changes to national policy following the publication of the national waste strategy 'Towards Zero Waste' and the 'Collections, Infrastructure and Markets Sector Plan'.

TAN 21 recognises that the likelihood of a need arising for new landfill should reduce over time as the new waste prevention, recycling and other recovery activities develop in accordance with waste policy targets and actions. Paragraph 4.23 is of particular relevance here where it states; "*The application of the waste hierarchy demonstrates that the disposal of inert waste is not acceptable in most circumstances and without exceptional justification planning applications for the disposal of inert waste should be refused. Exceptional circumstances may be demonstrated where the use of inert waste is necessary to address issues of instability, landscape, flood risk, matters relating to safety, or to enable the land to be used for an appropriate end use (for example, industry, agriculture). In each case, the level of inert waste to be used should be the minimum necessary to achieve the desired outcome*".

TAN 21 makes it clear therefore that C & D disposal to land is only likely to be considered if is 'recovery' to achieve a better afteruse and disposal in its own right should be refused. Clearly, there are differing restoration objectives for Seiont quarry and the above planning policy guidance is a material planning consideration but also the designation of a C2 Flood Zone within the former workings will further restrict the scope of restoration proposals involving the import of inert materials. I enclose for your attention, pre-application advice issued by Natural Resources Wales in response to a request by Waterco Ltd concerning the development of a temporary compound for portacabins, security fencing, car parking, meeting offices, welfare and public liaison offices and a storage area for materials used during the construction of the A483.

Notwithstanding, the advice issued by NWR states concerns regarding the impacts of the proposal elsewhere, specifically security fencing/storage of materials taking up flood storage within a flood plain will affect conveyance and could increase flooding upstream but also, potential runoff generated from the

materials storage areas. Furthermore, a flood consequence assessment should be compiled to ensure compliance with TAN 15 and to ensure that all interested parties fully understand the flood risk to the proposal and the existing flooding regime. To produce a FCA, you may need to carry out a hydraulic modelling exercise to demonstrate that the risks can be managed accordingly. With respect to staff accommodation referred to in your screening request, you may wish to seek further advice from Natural Resources Wales concerning the flood risk element associated with this element of the scheme.

The response of NRW refers to specific guidance notes and mentions that areas of contamination may exist within the site and advise that a preliminary assessment should be undertaken together with consultation with the local authority contaminated land officer. A protected species survey is also required, which featured in the Environmental Statement accompanying the previous ROMP application. Otters and bats are specifically mentioned, but I would advise that an ecological survey should screen for all possible species of flora and fauna.

As mentioned in your letter, the emerging LDP does indicate a protected new route corridor for the proposed bypass. However, neither the emerging LDP nor the existing Unitary Development Plan has any specific development proposals for the former brickworks site. It is considered therefore that any long-term proposals involving waste disposal are premature at this stage and therefore any proposals for the import of materials derived from the bypass scheme should be considered as a 'one-off' opportunity, where the restoration objectives of the site should take priority in accordance with the requirements of TAN 21 and local planning policy.

My previous email did request further information to confirm the exact nature of the proposals, i.e. depth of new working, additional tonnage of materials to be extracted and the tonnage of soils and overburden material to be imported for restoration purposes, together with an indication of the finished levels for those areas within the site subject to further treatment. I have yet to receive a response to my request but it has been inferred during prior discussions that as much as 200,000m³ of material would need to be imported. However, for the purposes of this screening opinion a proposal involving the continuation and extension of mineral workings and the import of materials for restoration has been assessed on a worst case scenario including a possible development area of approximately 22.5 hectares.

Adoption of SCREENING OPINION under Regulation 5

Schedule 1-

The proposal is not of a class of development described in Schedule 1.

Schedule 2-

Is the development of a description and within "applicable thresholds and criteria" set out in schedule 2 - note paragraphs;

Paragraph 13.

(a) " Any change to or extension of development of a description listed in Schedule 1 or in paragraphs 1 to 12 of Column 1 to Schedule 2 of the EIA regulations, where that development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse impacts on the environment.

The relevant development for the purposes of Paragraph 13 is the, “*Review of Planning Permission 390 dated 22nd November 1951*”, subject to the determination of conditions and scheme of working ref C00A/0441/14/MW, under The Environment Act 1995.

In relation to development of a description mentioned in Column 1 to Schedule 2, the thresholds and criteria in the corresponding part of Column 2 are applied to the change or extension (*and not to the development as changed or extended*).

Paragraph 2:

(a) “*Extractive industry*”. “*Quarries, open-cast mining and peat extraction*”.

Threshold;

“*All development*”

The proposed development constitutes an extension to the existing settlement lagoon system granted as part of the infrastructure requirements for the winning, working and processing of glacial overburden, clays and surplus quarry product at the former Seiont brickworks. The change or extension would therefore be considered in the context of the development under paragraph 2(a) ‘*Extractive industry*’;

The area of development measures 22,400m² and exceeds the applicable thresholds and criteria under column 2 where; ‘*all development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000m²*’.

I would refer you to Annex A of Circular 11/99 “*Extractive Industry*” Para. A.7 which states:

“The likelihood of significant effects will tend to depend on the scale and duration of the works, and the likely consequent impact of noise, dust, discharges to water and visual intrusion. All new open cast mines and underground mines will generally require EIA. For clay, sand and gravel workings, quarries and peat extraction sites, EIA is more likely to be required if they would cover more than 15 hectares or involve the extraction of more than 30,000 tonnes of mineral per year”.

11. Other projects

- (b) “*Installations for the disposal of waste..*”
- Threshold; “(i) The disposal is by incineration; or
- (ii) the area of the development exceeds 0.5 hectare;”

The development in terms its character is similar to that covered by “other projects” and further justification of this is provided in Annex A of Circular 11/99 Para. A36 which states:

“ likelihood of significant effects will generally depend on the scale of the development and nature of potential impact in terms of discharges, emissions or odour. For installations for the deposit, *recovery* [*italics mine*] and/or disposal of household, industrial and/or commercial wastes EIA is more likely to be required *where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 Ha. or more. Sites taking smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites, are unlikely to require EIA.* ”

Schedule 3 - sets out selection criteria that may be used to determine whether a project that meets or exceeds the applicable threshold in Schedule 2 requires an EIA –

1.	Characteristics of development	
	a)	<p>The size of the development</p> <p>Significant; 3.5ha below the Schedule 1 criterion of 25ha for quarries and open-cast mining. Increase of over 1.3ha in the geographical extent of the operation which amounts to a total of 22.5ha including the extraction areas, processing machinery, haul roads, stocking grounds and waste disposal areas. Quarry output, import of materials for restoration and throughput of processed material not confirmed.</p> <p>Unspecified amount of material to be imported the course of operations which are anticipated to last for up to 7 years.</p>
	b)	<p>The culmination with other projects</p> <p>Significant – Development required in connection with the Caernarfon bypass project.</p> <p>The existing site including the extraction area, processing site and disposal areas will measure in excess of 22 hectares.</p> <p>Notwithstanding a modest extension of approximately 1.1ha of extraction area and 350m of additional access track, the proposal will expand the footprint of the operation and the cumulative impact with the existing permission to extract mineral and dispose of waste arisings required in restoration works.</p>
	c)	<p>Use of natural resources</p> <p>Significant – Re-profiling and extension of existing workings and the import and processing of materials have the potential to impact on visual amenity but also the local water environment.</p>
	d)	<p>Production of waste</p> <p>Moderate– Facility will manage waste arisings used in construction.</p>
	e)	<p>Pollution and nuisances</p> <p>Significant – Proposal partly contained within a C2 Flood Zone. Potential for runoff from storage areas to impact on the local water environment & further issues concerning the take-up of flood storage areas within a C2 Zone. FCA required.</p> <p>Potential for significant change in open air operations generating noise & dust impacts from the processing and stockpiling of raw & processed materials for a period of 7 years. Also, FCA to assess the impacts of siting staff accommodation & impact on the existing sewerage system.</p> <p>Extent & scale of materials used in restoration unspecified. Potential for runoff.</p>

	f)	Risk of accidents, having regard in particular to substances or technologies used	Potential for runoff from storage/restored areas to impact on the local water environment & further issues concerning the take-up of flood storage within a C2 Zone. Control systems & emergency procedures as per current Health and Safety regulations and Environmental Permitting requirements.
2.	Location of development		
	a)	Existing land use	Mothballed brick clay quarry & site of decommissioned brick production facility.
	b)	The relevant abundance, quality and regenerative capacity of natural resources in the area	No unique features within the site potentially lost or significantly affected by the development. Development located 1,400m south east of the Caernarfon World Heritage Site. Potential landscape and visual impacts within a localised area. Protected species previously documented on this site.
	c)	The absorption capacity of the natural environment, particularly:	
		i. wetlands	Yes – Development located adjacent to the Afon Seiont and located partly within a C2 Flood Zone. Protected species previously documented on this site.
		ii. coastal zones	N/A
		iii. mountain and forestry areas	Moderate – The development in combination with the existing permission for the winning and working of brick clay has limited potential to impact on mountain and forestry areas.
		iv. nature reserves and parks	N/A
		v. areas classified or protected under Member States' legislation; special protection areas designated by Member States pursuant to Directive 79/409/EEC (conservation of wild birds) and 92/43/EEC (conservation of natural habitats and of wild fauna and flora)	None within the site. Afon Seiont SSSI 431m north-west & Menai Strait SAC 1,500m north-west.
		vi. areas in which the environmental quality standards laid down in Community legislation have exceeded	N/A
		vii. densely populated areas	Densely populated areas, Seiont Mill Rd within 70m and Hendre Park within 120m of the site compound. Significant screen already established on the northern embankment.
		viii. landscapes of historical, cultural	No Caernarfon World Heritage Site 1,400m north-west.

		or archaeological significance	
3.	Characteristics of the potential impact		
	a)	The extent of the impact (geographical area and size of the affected population)	Densely populated areas, Seiont Mill Rd within 70m and Hendre Park within 120m of the site compound. Significant screen already established on the northern embankment.
	b)	The trans-frontier nature of the impact	None.
	c)	The magnitude and complexity of the impact	Not large or complex.
	d)	The probability of the impact	Limited to the area of development and immediate vicinity.
	e)	The duration, frequency and reversibility of the impact	Localised disturbance during operational phase. Development reversible. Restoration proposals for nature conservation.

3. Conclusion.

Without prejudice to the protected new route corridor for the proposed bypass, this development is screened having regard to developments covered under Schedule 2, Para 11, of the EIA Regs. 1999 (as amended). Based upon the information submitted it may be concluded that due to the scale and duration of operations involving the winning and working of minerals, ancillary operations involving the processing of construction materials and the disposal of inert materials in the restoration of approximately 22.5ha of land, the proposal constitutes development requiring the submission of an Environmental Statement.

The proposed scheme does not specify the extent of quarrying activity and the scale of operations involving the import of materials for restoration or the throughput of the ancillary processing plant. The potential for noise, dust and haulage to impact on the amenities of surrounding properties should be looked at in the context of a potential increase in output and activity, the environmental impacts of which have not been previously assessed for operations previously associated with this site. There are a number of residential properties located in close proximity to the site and proposed haulage route. The potential for flood risk and the requirement for a Flood Consequence Assessment has been specifically requested by Natural Resources Wales.

A basic assessment of the existing constraints has been provided with this screening opinion with an indication of the type of information to be submitted in support of the application. I would stress however that this is not an exhaustive list and that consultation with other statutory organisations may require the submission of further information. Given the Council's opinion that environmental impact assessment will be required, it is advised that you formally request a scoping opinion in order to assess all of the elements to be covered in the Environmental Statement. My advice is that your request for a scoping opinion should be in the form of a scoping report which provides detailed information about the nature of the development proposed. I would strongly advise you to contact Natural Resources Wales direct in the preparation of the Environmental Statement, given the potential impacts of the review proposals on a C2 Flood Zone and protected species previously documented on this site.

The respective planning fee is therefore calculated in accordance with category 9(a) (ii), Part II of Schedule 1 to the 1989 Regulations (*Scale of Fees in Respect of Applications Made or Deemed to be Made on or After 6 April 2009*), where the site area exceeds 15 hectares, £24,852 with an additional £84 for each 0.1

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hectare in excess of 15 hectares, subject to a maximum in total of £65,000. Based upon your proposals, the respective planning fee would be **£31,152**.

Should you wish to discuss any of the points raised, please do not hesitate to contact me.



Dafydd Gareth Jones

Uwch Swyddog Mwynau a Gwastraff ar ran Gwasanaeth Cynllunio Mwynau a Gwastraff Gogledd Cymru / Senior Minerals and Waste Planning Officer on behalf of the North Wales Minerals and Waste Planning Service

Encl.