

Swyddfa Gogledd Orllewin/North West Office
Neuadd Penrhyn/Penrhyn Hall
Bangor
Gwynedd LL57 1DT

Mr Andrew Sumner
Principal Landscape Architect
Richards Moorhead & Laing Ltd
55 Well Street
Ruthin
Denbighshire
LL15 1AF

Your Ref/Eich Cyf	3030
Our Ref/Ein Cyf	C15/1042/14/SO
Date/Dyddiad	16 th November 2015
Ask for/Gofynner am	Mr. D G Jones
Direct Dial/Rhif Union	01286 679 813
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E Mail Address:
DafyddGarethJones@gwynedd.gov.uk

Dear Mr Sumner,

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 - SCOPING Opinion under Regulation 10
MPA Ref. C15/1042/14/SO

- A. Land stabilisation measures to include removal of overburden above the slope areas on the northeasterly side of the quarry and changes to the previously approved landscape restoration scheme (Condition No.2) of the ROMP Determination Ref. C00A/0441/14/MW;**
- 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 in connection with the proposed Caernarfon and Bontnewydd Bypass;**
- 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 request for the planning authority's scoping opinion following the planning authority's screening opinion issued on the 30th July 2015 that the above proposal constitutes development requiring the submission of an Environmental Statement.

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I enclose for your information, copies of responses received from those organisations consulted on the scope of the EIA and you may wish to contact these organisations direct in the preparation of the Environmental Statement, to ensure that the level of detail covered in their related, specialist fields is adequately addressed. I would agree that the scoping report addresses the main issues for consideration and the following provides a summary of the key points included on the scope of the EIA submitted with the application.

- Landscape and Visual Impact Assessment
- Waste Planning Assessment (TAN 21): Waste
- Ecology and Nature Conservation
- Contaminated Land Assessment
- Cultural Heritage & archaeological recording of remaining brickwork features
- Hydrology, Hydrogeology, Water Quality, Drainage
- Flood Risk assessment in accordance with TAN 15 (*Development & Flood Risk*)
- Traffic & Transport Impact Assessment
- Noise & Vibration Impact Assessment
- Air Quality Assessment
- Lighting
- Employment/economic considerations
- Geology, Soils, Geotechnical Assessment & RIGS considerations (*Regionally Important Geological Site*)
- Other Matters (*public rights of way, environmental enhancement, community effects & potential community benefit, socio- economic considerations*)
- Cumulative impacts with the proposed road scheme
- Non-native invasive plant species assessment
- Assessment in the context of National, Regional and Local Planning Policy requirements and guidance.
- Afteruse Proposals & Restoration Plan

The essential planning issues are;

Need for the Development & Cumulative Impact with the Bypass Proposals

The issue of need, both in terms of the material available for landscaping and the proposal for aggregates extraction was briefly touched upon in the authority's screening opinion issued in July this year. The application will 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. NRW's comments are reflective of the concerns raised, in that the application and Environmental Statement will need to be able to demonstrate recovery over disposal, given that TAN 21 makes it clear that C&D disposal in its own right should be refused.

I would further agree that a quantitative assessment of surplus materials generated by the bypass scheme will form a crucial element of the scheme and that such material is suitable for use in works of restoration. Essentially, the restoration objectives should take precedent, where only a specified quantity of material required for landscaping and treatment should be imported. Please note that NRW further question the requirement for filling-in or partly filling the quarry sump and that these proposals should be revisited as part of the remediation plan in order to address the possible concerns over deep water.

A Waste Planning Assessment, in accordance with Annex B of TAN 21 (Waste), should be submitted in support of the application to address the need for such a facility, but also to demonstrate that it offers a sustainable waste management option, taking into account the waste hierarchy and lifecycle assessment. The Waste Planning Assessment should be appropriate and proportionate to the nature, size and scale of the development proposed and

should provide all of the information necessary for the local planning authority to make a decision on the application. Proposals for developments falling under disposal and recovery operations should explain in the Waste Planning Assessment, set out in Annex B, where the proposal fits within the waste hierarchy and why it represents the best overall environmental outcome.

The Environmental Statement will also need to outline clear reasons and address alternatives with respect to the proposal for aggregates production from the overburdens and glacial till overlying the clay deposit. A geotechnical appraisal of the quality and quantity of materials that may be processed as aggregate will be required to include borehole data and/or trial pits. NRW have already provided comment in light of WO circular 36/87 where there is a requirement to identify sites for sourcing suitable material within a 10 mile radius and if so, on what basis they may have been ruled out or considered unsuitable.

The sustainability objectives of the North Wales Regional Technical Statement on Aggregates (1st Review 2014) state that the fundamental requirements for sustainability in Wales are enshrined within both legislation (Government of Wales Act 2006) and in Policy (Minerals Planning Policy Wales (2000)). In line with these requirements, the overarching objective in planning for aggregates provision, as set out in paragraph 7 of MTAN1 is *“to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance”*.

Subsidiary objectives in paragraph 29 of MTAN1, which relate to delivering a more sustainable pattern of supply includes amongst other requirements;

- actively reducing the proportion of primary aggregates used in relation to secondary, recycled or waste materials;
- minimising the transportation of aggregates by road.

Slate waste materials are exempt from the aggregates levy and are readily available at existing slate quarries within a 10-mile radius of the proposed bypass scheme. The proposal will therefore need to demonstrate environmental benefits in terms of Seiont as a preferred source of material for the bypass scheme in preference to sources of recycled or secondary aggregates which could substitute for primary aggregate extraction.

Landscape and Visual Impact

The landscape and visual impact assessment should include an appraisal of the visual impact of the development utilising a selection of viewpoints and computer-generated visualisations showing the location of the development in the context of its setting within the wider landscape. Detailed plans and a selection of cross-sections of the existing and proposed landform should also be provided. As stated in your report, the assessment should be carried out in accordance with the appropriate guidelines for Landscape and Visual Impact Assessment, 3rd Edition, published jointly by the Landscape Institute and Institute of Environmental Management and Assessment 2013 but also, the use of LANDMAP data published by Natural Resources Wales.

In respect of the preferred viewpoints for the visual impact assessment, the Zone of Visual Influence should include an appraisal of the visual impact of the development on surrounding settlements and I note for the purposes of the EIA that you suggest a visual envelope of 500m. In terms of landscape and visual impact, the most intrusive element of the scheme is the proposed new haul road and extension of the working face on the north-eastern flank of the quarry. In this respect, it is suggested that viewpoints further afield at Cibyn Industrial Estate, the new Hendre school and Grade 1 listed church at Llanbeblig be included in the assessment. The assessment should include an appraisal of the site as existing, during progressive stages of working and as a final landform. There is also a concern that the aggregates proposal together with works required in the construction of a new haul road and land stability measures could have a severe impact in combination with the bypass proposals. Should the extraction proposals extend beyond

the high ridge on the eastern flank of the quarry; a significant landscape feature which would otherwise screen the bypass would be removed.

In addition to the above, the application proposals should include detailed habitat creation and restoration proposals. Certain areas of the quarry have already been subject to the processes of natural regeneration, providing a conservation model for the quarry restoration management programme. It is important that the objectives of the quarry management plan include a programme configured to integrate elements of biodiversity in the scheme of restoration so that various techniques and methodologies may be applied in a cohesive strategy for the whole site. Suitable biodiversity enhancements should be included within differing restoration objectives for the site, but please note the comments of NRW who state that such proposals should include a timescale & deadline for completion and that there should be no unnecessary landscaping where the use of material would otherwise be considered a disposal activity.

Proposals for the restoration of the new haul route should be included or otherwise retained in connection with an afteruse that complies with the objectives of local and national planning policy and I would advise that this element should be the subject of further discussion with the planning service. However, in terms of traffic impact assessment and specifically works in connection with the construction of a new haul road, I would enquire whether the use thereof will feature in the suite of proposals to include a percentage of haulage movements by road. In this respect, I would highlight for your attention, comments provided by the Welsh Government Transport Division who advise consultation with the Welsh Government Development Control Team to discuss the scope and details of the transport assessment prior to the submission of the planning application. I would also advise that you contact Gwynedd Council's Senior Development Control Engineer in the Transportation and Streetcare service, but as stated in the Public Protection Services' response, the assessment should cover all stages of the development.

Other issues raised in response to consultation on highways grounds identify restrictions to any potential improvements to the existing access at Pont Seiont, given that the bridge structure is listed.

Public Protection

The environmental statement should identify all potential receptors that are most vulnerable to the effects of noise, vibration, air quality, traffic and transportation, lighting and mineral processing. I enclose for your attention, the consultation response of the authority's Public Protection Department who also outline the requirements of the Environmental Permitting regulations and the specific responsibilities for issuing a permit under the remit of Public Protection and/or Natural Resources Wales. The response of NRW and Public Protection service refers to specific guidance notes/conditions and mentions that areas of contamination may exist within the site and further advise that a preliminary assessment should be undertaken together with consultation with the local authority contaminated land officer.

In respect of the impacts of the proposals on potential receptors in close proximity to the site, I note that for the purposes of the EIA you suggest that the extent of the survey area for air quality and noise be restricted to 200m. I would however refer you to the response of the public protection service who request that the baseline noise survey to establish current ambient noise levels and predicted noise and vibration levels at sensitive receptors should be agreed in consultation with Gwynedd Council Public Protection Department.

The EIA should provide a full assessment of the development proposals in terms of noise, air quality and vibration attributed to site operations but also the possible impact of heavy haulage movements on village communities. In this regard, I would specifically refer you to the public protection officer's response on issues of air quality and the potential for operations to generate PM10 particulate matter. The air quality assessment should include atmospheric dispersion modelling to predict air pollutant concentrations and provide appropriate measures to mitigate the potential impact of site operations on sensitive receptors.

Ecology, Biodiversity, Local Water Environment & Designated Sites

I enclose for your attention consultation responses of Natural Resources Wales, Gwynedd Public Protection and Gwynedd Biodiversity service which comment upon issues concerning biodiversity, groundwater, water quality, flood risk, invasive species and potential impact on designated features. The responses received highlight the potential for the proposals to impact on the receiving environment, particularly the risk of direct & indirect impacts of the proposal on the Menai Strait and Conwy Bay SAC but also, other sensitive receptors in the locality. I would refer specifically to comments provided by Natural Resources Wales and Gwynedd Public Protection with respect to the issues raised and the level of detail required, including the identification of water sensitive receptors; short, medium and long term impacts on each receptor and mitigation thereafter applied.

Sufficient information relating to the management and containment of potential polluted water run-off should be included in the application to enable Gwynedd Council, as competent authority for the purposes of the 2010 Habitat Regs, to carry out a test of likely significant effects on the Menai Strait and Conwy Bay SAC which is a multiple interest site that has been selected for the presence of 5 marine habitat types and associated wildlife (*Habitats Directive Annex I habitat types*).

Other designations to be considered include the Afon Seiont Geological SSSI, Candidate Wildlife site under policy B17 of the Gwynedd UDP and Regionally Important Geological Site (RIGS). It appears that the area of RIGS interest will be affected for the most part by the line of the proposed bypass. However, the potential for features of geomorphological interest to be unearthed within the proposed area of extraction on the eastern flank of the quarry should be fully investigated.

The response of Gwynedd Biodiversity confirms that the EIA should cover all protected species (bats, badgers, otters, reptiles, breeding birds etc, but also species listed under Section 42 List of Principal Importance of Habitat for Conservation of Biological Diversity; (Natural Environment and Rural Communities Act 2006). I would specifically refer to the itinerary of survey requirements identified in the Biodiversity officer's response which should be included within the scope of the EIA.

The timing of any species surveys is critical to the integrity of the EIA and the undertaking of such should be implemented at appropriate times of the year in accordance with specialist advice of NRW & Gwynedd Council Biodiversity section.

The EIA should also address all of NRW's requirements under the headings; Groundwater & Contaminated Land and Flood Risk. I understand that your client is already in discussion with NRW with respect to the requirement to produce a hydraulic model which will be used to compile a flood consequences assessment in accordance with the requirements of TAN15 (Development and Flood risk) for development within a flood zone.

Assessment

The Environmental Statement should provide an assessment of the proposal in the context of National, Regional and Local Planning Policy requirements and guidance. You will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 3.1.2 Planning Policy Wales emphasise that applications should be determined in accordance with the Development Plan, unless the material planning considerations dictate otherwise. Material planning considerations include National Planning Policy and Guidance and the relevant policies of the Unitary Development Plan.

The assessment reports prepared for each of the topics identified in the EIA will each have specific sections including a baseline study detailing;

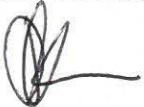
- the relevant site conditions and results of surveys,

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- assessment as to the effects of the development direct, indirect, secondary, cumulative, short, medium and long term, permanent, temporary, positive and negative effects; and
- mitigation measures in respect of the adverse effects of the development
- discussion of alternatives to the development proposed, including a 'do-nothing' scenario.

Should you require any further assistance on this matter, please do not hesitate to contact me on the above telephone number.

Yours sincerely,



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.

cc. (by email)

Ffion Muscroft, Gwynedd Public Protection

Emily Meilleur, Gwynedd Biodiversity

Gareth Roberts, Gwynedd Transportation and Streetcare

Gareth Thomas, Planning Liaison, Natural Resources Wales

Peris Gwyn Jones, Seiont Bypass Project Director, Welsh Government

Nia Daviess Mon & Gwynedd Joint Policy Unit

Ashley Batten, Gwynedd Archaeological Planning Service

Wyn Williams, Gwynedd Council Countryside and Access