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Your Ref/Eich Cyf 403.02491.00041  
Our Ref/Ein Cyf C18/1000/16/SO  
Date/Dyddiad 29<sup>th</sup> January 2019  
Ask for/Gofynner am Mr. D G Jones  
Direct Dial/Rhif Union 01286 679 813  
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Dear Mr Lowden,

**Application No. C18/1000/16/SO**

**Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed lateral extension to the slate workings, together with the ancillary deposit of quarried waste and overburden Penrhyn Quarry, Bethesda**

I refer to the above request for a scoping opinion received on the 2<sup>nd</sup> November 2018. My letter of 8<sup>th</sup> November 2018 agreed with your client's position that, in view of the cumulative area of the quarry workings and associated land together with its proximity to 'sensitive areas', the proposal constitutes development requiring an Environmental Impact Assessment.

In this instance, the potential for landscape impacts on the Eryri National Park and the direct impacts of 4.3ha of mineral extraction on the Eryri SSSI & SAC is considered significant. However, the mineral planning authority has re-consulted on the scoping report following further confirmation of proposals for the re-development of two existing tipping areas subject to increased height and volume capacity amounting to 34ha in area, including undisturbed upland areas and historic tips where previously, the existing configuration was to be preserved.

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Working in Partnership with:



This Scoping Opinion is provided on the basis of information submitted to the Mineral Planning Authority on 2<sup>nd</sup> November 2018 and further information received on the 18<sup>th</sup> December 2018, in addition to consultation responses received. The advice does not prejudice any decision made by the Mineral planning Authority (MPA) in relation to the development, and does not preclude the MPA from requiring further information to be submitted with the subsequent application for minerals development under Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (“The 2017 Regulations”).

### 1. Introduction

The MPA has received a request by Welsh Slate (Breedon) Limited under regulation 14 of the 2017 Regulations for a Scoping Opinion in relation to a proposed development for:

- A small lateral extension to the slate workings, together with the ancillary deposit of quarried waste and overburden, at Penrhyn Quarry.

The request was accompanied by a Scoping Report (SR) [*Scoping Request – Proposed Extension to Penrhyn Quarry – 403.02491.00041*] that outlines the scope of the Environmental Statement (ES) for the proposed development. The MPA is satisfied that the request and further information received on the 18<sup>th</sup> December 2018 meets the requirements of regulation 14(2) of the 2017 Regulations.

This MPA has taken into account the requirements of the 2017 Regulations, Welsh Office Circular 11/99: Environmental Impact Assessment, as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the MPA has consulted on the SR and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Section 5 below).

### 2. Site Description

The site is shown on the amended Drawing PQE 2/1, Site Location Plan and Aerial Plan PQE 2/2, received on the 18<sup>th</sup> December 2018 and which is referred to in Section 2 of the SR. Section 2 which also provides the geological, environmental and landscape context of the setting, a description of the site and identification of sensitive receptors.

### 3. Site History

The site history is detailed in section 2.5 of the SR, which confirms previous and extant quarrying operations for Penrhyn Quarry dating back to the 12<sup>th</sup> November 1947, together with the more recent and relevant planning history including, the consolidating permission C96A/0020/16/MW granted in January 2000, the extension and re-alignment of workings C12/0874/16/MW granted in December 2012 and the Periodic Review of all extant minerals permissions and schedule of new conditions determined in February 2017 under reference C16/1164/16/MW.

### 4. Proposed Development

The proposed development is described in Section 3 of the SR which provides an overview of the existing operation of mineral extraction and processing, tipping requirements, operating hours, restoration concept and mitigation in the form of an intercepting leat in respect of maintaining the hydrological conditions of the adjoining Eryri SAC.

The section identifies approximately 6.3 million tonnes of existing slate reserves which is sufficient to sustain aggregate production and roofing material for around 10 years, taking into account wastage, weathered material and a substantial dyke which cuts across the working face. The proposed extension will release additional reserves of slate in the purple, red and blue domains and increase the overall reserve to 8.9 million tonnes.

Section 3.5 of the SR also identifies a shortfall in tipping capacity and in view of the inherent geographical constraints of the quarry (i.e. a long linear void with a requirement to maintain access to the quarry floor), few opportunities present themselves and it will be necessary to increase the height and volume capacity of tips 1 & 2 to meet the overall need.

The scope of the ES should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

## 5. Consultation

In line with Regulation 14(4) of the 2017 Regulations, before making this Scoping Direction, the MPA consulted the following bodies:

- Cyngor Gwynedd Public Protection Service
- Natural Resources Wales (NRW)
- CADW
- Gwynedd Archaeological Planning Service (GAPS)
- Snowdonia National Park Authority
- Cyngor Gwynedd Biodiversity Service
- Cyngor Gwynedd Public Rights of Way Service
- Welsh Government Highway Authority
- Welsh Slate/SLR Consulting

I enclose for your information, copies of responses received from those organisations consulted on the scope of the Environmental Statement (TABLE 1) and I would be grateful if you could contact these organisations direct in the preparation of your statement, to ensure that the level of detail covered in their related, specialist fields is adequately addressed.

TABLE 1

Consultee	Role	APPENDIX
Cyngor Gwynedd Public Protection	Statutory Consultee: Relevant Local Public Protection Authority	Appendix 1
Natural Resources Wales	Statutory Consultee	Appendix 2a & 2b
CADW	Statutory Consultee: Historic Environment	Appendix 3a & 3b
Gwynedd Archaeological Planning Service	Non-Statutory Consultee:	Appendix 4
Snowdonia National Park Authority	Statutory Consultee: Adjacent Local Planning Authority	Appendix 5

Cyngor Gwynedd Biodiversity	Non-Statutory Consultee	Appendix 6a, 6b & 6c
Welsh Government Highway Authority	Applicant (Reg)	Appendix 7a & 7b

The legislative requirements for publicity in relation to the ES are set out by Part 5 of The 2017 Regulations.

The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES. Similarly, the ES should demonstrate how it has taken into account this Scoping Direction.

6. Environmental Impact Assessment Approach

The MPA is generally supportive of the approach outlined in the SR. The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated. The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

6.1 Environmental Statement Structure

Section 5 of the SR confirms the format of the Environmental Statement. The Applicants should satisfy themselves that the ES includes all the information outlined in Schedule 4 of the 2017 Regulations, as summarised in Section 4 and Appendix 01 of the SR 'Environmental Considerations'. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. The applicant should consider a structure that allows the author of the ES and the MPA to readily satisfy themselves that the ES contains all the information specified Regulation 17 and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

6.2 Baseline

Schedule 4 of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the current state of the environment". The baseline scenario is outlined in 'Appendix 02' and includes the scope of surveys already undertaken as part of previous proposals on the site. The baseline should reflect actual current conditions at that time and in this respect I would refer you to the Biodiversity Officer's response to further discussions and consultation with your

ecologist, (*APPENDIX 6b & 6c*) to include updated information to account for any changes following the implementation of a recent permission for minerals extraction and construction of an intercepting leat and trackways (*see currency of information below*) but also, updated habitat & species surveys for previously undisturbed upland vegetation and historic tip areas where the existing configuration has been preserved. The ES should describe what works and impacts would be involved in preparing the site, even if that is covered under a separate, extant planning permission. The applicant may wish to clarify which aspects are covered by that other consent, but the impacts should be covered in the ES.

### 6.3 Reasonable Alternatives

Whilst reasonable alternatives does not feature under a specific heading under Section 4 of the SR, 'Environmental Considerations', Regulation 17 is quoted which requires amongst other considerations; "*a description of the reasonable alternatives studied by the developer, 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 effects of the development on the environment*". Alternatives should therefore be considered in relation to the Proposed Development in line with the requirements of Regulation 17 and Schedule 4 to the 2017 Regulations, and any reasonable alternatives studied by the applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") unless it can be clearly shown to the MPA that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from IEMA - Appendix 8). Further advice regarding the Habitats Regulations is provided in the final chapter of this Scoping Opinion.

### 6.4 Currency of Environmental Information

For all environmental aspects, the Applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. As previously mentioned, I would refer you to the Biodiversity Officer's response to further discussions and consultation with your ecologist, (*APPENDIX 6b & 6c*) to include updated information to account for any changes to vegetation following the implementation of a recent permission for minerals extraction and construction of an intercepting leat and trackways but also, updated habitat & species surveys for previously undisturbed upland vegetation and historic tip areas where the existing configuration has been preserved. Any study area applied to the assessments should be clearly defined. The impacts of site preparation, extractive operations, ancillary development and restoration proposals should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from

that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

### 6.5 Cumulative Effects

Based on the information set out in the SR, the approach to the assessment of cumulative impacts is considered largely appropriate. The intention to carry out assessment in line with relevant professional guidance is acknowledged and recommended.

The criteria for inclusion set out at paragraph 4.3.4 of the SR may be appropriate in relation to certain topic areas within the ES, but when seeking to exclude other development from further assessment, the Applicant should adopt a nuanced approach to exclusion and inclusion criteria. Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

All of the other development considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with the relevant LPA and other consultees, where appropriate.

As the proposed development would be located on an operational quarry site with other businesses, the applicant will need to establish a 'worst case scenario' for assessment which takes account of existing and consented development at the site. As noted above, the baseline conditions for the EIA should not exclude site preparation works that are necessary to facilitate the proposed development.

Although intended for larger schemes, the Planning Inspectorate's NSIP Advice Note 17: Cumulative Effects Assessment (APPENDIX 9) sets out a staged process for assessing cumulative impacts that may prove useful to the Applicant.

### 6.6 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent / minimise adverse effects is to be secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

#### 6.7 Transboundary Effects

Schedule 4 Part 5 of the 2017 Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The SR has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State. The ES should address this matter as appropriate.

#### 7. Environmental Impact Assessment Topics

This section contains the MPA's specific comments on the scope and level of detail of information to be provided in the applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the MPA. In accordance with Regulation 17(4)(c) of the 2017 Regulations the ES should be based on this Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the applicant's SR. The MPA has set out in this Scoping Opinion where it has / has not agreed to scope out matters on the basis of the information available at this time. The MPA is content that the receipt of a Scoping Opinion should not prevent the applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken. The MPA is supportive of the clear structure set out in Table 4.1 of the SR for the Topic / Key Environmental Aspects chapters of the ES.

#### 7.1 Air Quality, Noise, Population and Health

I enclose for your attention, comments of Gwynedd Council Public Protection service (APPENDIX 1) following further information submitted on tipping areas. The environmental statement should identify all potential receptors that are most vulnerable to the effects of noise, dust, blast vibration and movement of vehicles/operation of plant machinery within the quarry. The authority's Public Protection Department monitor the site for environmental effects and have been engaged with the quarry liaison group where matters relating to noise, dust & vibration are discussed with representatives of the company and a delegation of local councillors and residents. As stated previously, there are schemes and assessments on noise and dust impacts already submitted in accordance with the requirements of conditions, which provide an updated baseline for the impacts of such elements on local receptors. The applicant will therefore need to refer to sensitive properties and the population affected in respect to tipping areas, given the nearest property is located approximately 360m due west, with public footpath No. 43 at a distance of 125m and footpath No. 50 at 100m.

Paragraph 3.24 of Planning Policy Wales Version 10 (December 2018) states; “ *Where significant effects on human health are likely to arise as a result of development plans or individual development proposals, environmental impacts should be considered in full knowledge of the likely consequences for health. Information to assess potential impacts on health can be required through various mechanisms, such as sustainability appraisal of development plans and environmental impact assessments, and where relevant, health impacts should be incorporated into such assessments....*”. The assessment must show that the levels of noise, blasting and air overpressure are within acceptable limits.

It is considered therefore that Air Quality and Noise cannot be scoped out of the EIA and the applicant should ensure that a thorough assessment of waste tipping and ancillary development on air quality, noise is included in the ES. Having considered the comments of Gwynedd Public Protection it is agreed that the impact on community health should be assessed and it will be necessary therefore to include a Welfare Assessment as part of the Environmental Impact Assessment. The toolkit and guidance developed by the Wales Health Impact Assessment Support Unit should ensure a holistic approach to assessment.

For any technical aspects, I would advise you to contact Mrs Moira Duell-Parri, Gwynedd Council Public Protection Manager at the area office, Penrallt, Caernarfon, LL55 1BN (Tel; 1286 682 726). There is also a condition attached to the current planning permission which specifies that; “*The maximum ground vibration created by any blasting operation as measured on the concrete wall of the crump weir at the Marchlyn dam spillway outfall shall not exceed 1 mm. per second p.p.v. at any time*”. You may therefore wish to consult First Hydro Company with your proposals.

## 7.2 Ecology (flora and fauna)

In the SR, the Applicant identifies a number of current ecological assessments that have been carried out that will inform the Ecology section of the ES, and these seem largely appropriate. The 2012 EIA application provided surveys and assessments for vegetation, invertebrates, birds, fungi, lichens, badgers, bats, otters, water voles, great crested newts which were updated as part of the 2016 ROMP review. It is agreed that in view of the considerable survey work that has previously been undertaken it is considered that the baseline conditions are well understood. In view of this, it is proposed that an extended Phase 1 survey be undertaken to establish whether there has been any change to the ecological conditions. This, along with the previous survey work will be used to prepare an Ecological Impact Assessment which follows the guidelines provided by Chartered Institute of Ecology and Environmental Management (CIEEM 2018). NRW are satisfied with this approach in respect to protected species.

In response to consultation, NRW confirm that the site lies within the Eryri Special Area of Conservation and Site of Special Scientific Interest designated for their montane habitats and the proposal will extend the footprint of the workings into areas previously excluded due to their ecological value, notably areas of wet heath and flush. Both the extension and diversion of a small section of leat will impact on SAC features and NRW agree that the impact of the proposal on protected sites cannot be scoped out of the EIA. The applicant should ensure that mitigating leat for the consented development is not made worse, but potentially improved. Also, confirmation required as to any management undertaken within the compensation area to the east of the quarry, which was provides for the loss of SAC area (*but not a feature*).

APPENDIX 6a is the response of Gwynedd Biodiversity service which provides the scope of updated surveys to form part of the Ecological Assessment. APPENDIX 6b & 6c confirms further discussions and consultation with your ecologist, to include updated information to account for any changes to vegetation following the implementation of a recent permission for minerals extraction and construction of an intercepting leat and trackways but also, updated habitat & species surveys for



previously undisturbed upland vegetation and historic tip areas where the existing configuration has been preserved. With respect to the quarry extension, the proposed survey method for reptiles, birds, otters and badgers is agreed, however whilst previous survey data may be used for vegetation and habitat, the area must be ground-checked and extended to include the deposit of stones and gravels from the leat and new features in the landscape, i.e. the leat and trackways.

The proposal also includes tipping onto the historic slate tips (Tip 2) which have become vegetated with heather, grasses, trees, bryophytes and lichens. The Biodiversity Service confirm that these have created habitats such as heathland, acid grassland and open mosaic of previously developed land which are all of biodiversity importance. Therefore ecological surveys and impact assessment of the tips will be needed and should include vegetation/habitats, lower plants (bryophytes and lichens), reptiles, birds and invertebrates.

Therefore, the Applicant should ensure that the baseline data for the assessments conducted are robust, and provide the data necessary to assess any likely significant effects arising from the Proposed Development. The EIA must therefore provide sufficient information to allow Cyngor Gwynedd as competent authority to undertake an Appropriate Assessment in accordance with regulation 61 of the Conservation (Natural Habitats, & c.) Regulations 2010, to assess any likely significant impacts of the development on listed features of the SAC and their attributes. By satisfying the requirements concerning the SAC as indicated above, it is likely the requirements for the SSSI will also be met.

The applicant is advised to continue to liaise with NRW and Gwynedd Council Biodiversity Service as the ES is being prepared.

### 7.3 Hydrology and Hydrogeology

In response to consultation, Natural Resources Wales comment upon issues concerning biodiversity, water resources, hydrology and drainage. For this development, there is a close relationship between hydrological/hydrogeological implications of the development affecting the local ecology and biodiversity of the surrounding area.

Table 4.1 confirms the following;

*The quarry is not affected by any significant watercourses. The nearest main watercourses are some distance from the proposed extension, although some minor water courses lie closer. Altering the landform through extraction can affect surface water flow and the final restored landform can also affect drainage within and off site. In terms of groundwater, the proposed extension (and wider quarry) is not situated on a major/principal aquifer or affected by a source protection zone. Overall the quarry site is considered to have a relatively low sensitivity to the proposed development.*

*As part of the consideration of planning permission C12/0874/16/MW, mitigation (in the form of a leat) was put forward to transfer surface water from the slopes above the southern boundary of the quarry, around the perimeter of the quarry, and discharge along the north-western edge of the*

quarry. The proposals would not significantly affect this arrangement, but a short section of the leat would need to be moved to accommodate the extension.

NRW are satisfied with the proposed scope of the EIA relating to hydrogeology in Table 4.1 which states; *“In view of the ecological designations it is accepted that hydrology cannot be scoped out of the EIA. Consideration will be given to the hydrological and hydrogeological regimes at the quarry and how they may be affected by extending the workings, having regard to current practice. The assessment will build upon the assessment undertaken for the ROMP review”*.

However, NRW confirm that the study of the hydrology of the proposed development will inform any potential additional mitigation (in terms of the leat) required for protected sites. Consequently, the current mitigation measures and operational practices in terms of the water environment will need to be reviewed to ensure continued function and effectiveness for the duration of any potential development. In relation to drainage, table 4.1 of the SR (climate change), confirms that a flood risk assessment will be undertaken as part of the assessment on the water environment. This assessment will take into account storm events and allow for increases due to climate change.

#### 7.4 Landscape and Visual Impact

In response to consultation, (APPENDIX 2a) NRW agree that the landscape context has been appropriately set out in section 2.3.4 of the SR but do highlight the point that it could be made clearer that the quarry and proposed application site lie within the setting of the National Park. I would also refer to the consultation response of the Snowdonia National Park in this regard to identify any visual or landscape impacts on the National Park with appropriate measures shown to mitigate for those effects.

The site is likely to be seen from Elidr Fach, the head of the ridge at Carnedd y Filiast (both open access land) and from the public footpath at Cefn yr Orsedd to the east of the Nant Francon Valley but also the local community outlook (Mynydd Llandygai) and in this respect, views from public footpaths to the north and west of the site may be relevant. I would agree with NRW's opinion that the scope of residential/human receptors needs to be extended to include walkers within the National Park and the impacts on tranquillity but also, the impacts of tipping operations, mostly in Tip 2, on receptors at Mynydd Llandygai. I would further agree with NRW that very little information has been submitted to ascertain the full environmental impact of increasing the waste tipping capacity of the existing mineral-working deposits.

Based on the information submitted, tipping operations on Tip 2 is likely to be the most contentious element of the development proposals both in terms of visual and landscape impacts but also in terms of residential amenity. I would refer to NRW's concerns on landscape impacts in their response of the 9<sup>th</sup> January (APPENDIX 2b) which states; *“should tipping take place down the public facing elevations of prominent relict tips – the contrast in colour between weathered and recently excavated slate could be noticeable. Storage of waste on the top of the tip and vehicle movements could modify the profile of tips and affect tranquillity. Where seen against the skyline this could be particularly visually intrusive. These aspects need to be assessed and tipping operations planned to minimise disturbance to views and tranquillity (both an audible and visual sense of peacefulness). In*

*addition to viewpoint photos, cross-sections would be required to illustrate existing and proposed profiles as would be seen within public views. Photomontage images may be required depending on visibility and degree of change from specific viewpoints”.*

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 the settlement of Bethesda & Mynydd Llandygai, and the Snowdonia National Park and as requested by NRW, it would be helpful to agree a draft schedule of viewpoints by reference to a scale plan. For both the ROMP and previous application for a re-alignment of quarry workings, clear plans and contextual information has been submitted including a selection of viewpoints and photomontages which provided sufficient appraisal for the purposes of the EIA. The assessment should include an appraisal of the site as existing, during progressive stages of extraction and as a final landform including progressive and final restoration proposals consistent with the approach in Section 3.8 of the SR to reflect the details and methodology previously approved under the ROMP review. Restoration should form part of the application proposals.

There are issues of historic landscape and biodiversity to be considered and it is acknowledged that Welsh Slate have initiated studies and a specialist programme of restoration configured to integrate such elements ‘*Restoring Habitats of High Conservation Value after Quarrying – Life Project*’, in conjunction with Bangor University and that this approach has been maintained in the current management regime for the site. It is recognised that varying techniques and methods of restoration and planting have been sought and it is important for the success of the scheme that the restoration works are monitored so that various techniques and methodologies may be applied in a cohesive strategy for the whole site.

#### 7.5 Archaeology and Cultural Heritage

Given the setting of the quarry and the cultural and historic associations with Dyffryn Ogwen and Bethesda there are issues concerning direct and indirect impacts on archaeological features and Landscape of Outstanding Historic Interest that need to be addressed in the EIA.

Gwynedd Archaeological Planning Service (GAPS) confirm in their consultation response (APPENDIX 4) that, whilst known archaeological remains would be directly affected by the proposed quarry extension, the scope of work outlined in Table 4.1 (p.24) of the scoping document, draws upon the extensive body of work already carried out and appears suitable in respect of direct impacts. However their response goes on to say that any archaeological assessment must acknowledge and consider the impacts upon any statutorily designated site within a proposal site or its sphere of influence as a matter of good practice. I would agree that the requirements of Welsh Planning legislation specify consultation with the Welsh Government body, CADW, on any development likely to be visible from a scheduled monument which is within a distance of 5km from the perimeter of a scheduled monument and which is 100m or more in height or has an area of 1 hectare or more. As the proposed extension and extended tip areas measure approximately 38 hectares, the assessment will be obliged, as a minimum, to identify scheduled monuments within a 5km radius of the application site and to establish whether any visual relationships exist, in order to provide an evidence base for this consultation.

Both Cadw and Gwynedd Archaeological Planning Service (APPENDICES 3a, 3b & 4) do not agree that the impact of the proposed development on the setting of scheduled monuments can be scoped out of the EIA and recommend that a search area of 3km should be used, in which the 4 scheduled monuments identified below are present.

- CN119 Sling Burial Chamber
- CN219 Ty'n Twr
- CN297 Slate Gwaliau at Felin Fawr, Penrhyn
- CN374 Moel y Ci cairn

CADW strongly recommends that that this assessment should be produced in accordance with the Welsh Government document “The Setting of Historic Assets in Wales”.

CADW confirm that; *“the application site is within the Dyffryn Ogwen Registered Landscape of Outstanding Historic Interest, and the quarry and its historical and geographical associations are primary components of this landscape. Section 6.1.27 of Planning Policy Wales indicates that this will be a material consideration in an application such as the extension to Penrhyn Quarry and the Technical Advice Note 24 section 7.8 explains that an Assessment of the Significance of the Impact of Development on the Historic Landscape (ASIDOHL2) report should be produced as part of the EIA process”*. In accordance with the advice set out in the consultation response, CADW’s Environment Senior Planning Inspector should be contacted to agree the scope of the ASIDOHL assessment.

CADW also request that in accordance with Section 6.1.22 of PPW10, impact of the proposed quarry expansion on the nominated World Heritage Site will be a material consideration of the planning application.

The Gwynedd and Môn Joint Local Development Plan recognises that the Councils have a duty in exercising their planning functions to preserve and enhance the significant character and appearance of the Plan area’s cultural and historic environment and that the historic environment contributes to the enjoyment of life, provides a unique sense of identity and is a valuable economic asset. Policy PS20 states; *“In seeking to support the wider economic and social needs of the plan area, the Local Planning Authorities will preserve and where appropriate, enhance its unique heritage assets”*, including amongst other considerations, scheduled ancient monuments and other areas of archaeological importance, registered historic landscapes, buildings of architectural/historic/cultural merit that are not designated or protected (in line with Policy AT3) and Candidate World Heritage Sites.

In line with the advice from CADW and GAPS, the applicant should ensure that the impacts of the development on known archaeological features, the impacts on the setting of scheduled ancient monuments and the direct and indirect impacts on the registered historic landscape and candidate world heritage site are dealt with in the Historic Environment / Cultural Heritage section of the ES.

#### 7.6 Transportation, Traffic and Highways

I enclose for your attention, the consultation responses of Welsh Government Highway Authority for the A5 Trunk Road (APPENDIX 7a & 7b) which confirms that it would not issue a direction in respect of the proposal. The MPA is therefore in agreement with the contents of the SR in relation to transport issues, which may be scoped out of the EIA.

#### 7.7 Climate Change

The use of fossil fuelled plant and machinery and changing the landform can alter drainage infrastructure and contribute to climate change. In terms of emissions, the authority concurs with the opinion that the proposed development of the extension would not alter the current working practices and in particular introduce any significant numbers of new plant and machinery. Therefore, the authority agrees with the approach to addressing climate change in table 4.1 of the SR that, with the exception of flood risk and drainage patterns to be addressed under Hydrology and Hydrogeology, overall, climate change may be scoped out of the EIA.

#### 7.8 Accidents, Natural Disasters and Hazards

The authority agrees with the approach in table 4.1 of the SR to address accidents, natural disasters and hazards that, there are no major installations in the vicinity of the quarry that could impact upon its operations. The nature of the development is not susceptible to natural disasters. Allied to this mineral workings are subject to geotechnical assessment on a regular basis, and workings are designed having regard to geotechnical conditions. In view of this it is agreed that natural disasters and hazards can be scoped out of the EIA.

#### 7.9 Socio-Economic

Based on the information provided in the SR, the approach to the assessment of socio economic impacts is considered appropriate which may be scoped out of the EIA. However, I would advise that an assessment of the socio-economic benefits and viability of the continued quarrying of slate and its contribution to sustainable Welsh speaking communities and future generations forms part of the planning statement submitted in support of the development proposals. Policy 3.25 of Planning Policy Wales Version 10 states; *“The Welsh language is part of the social and cultural fabric and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its , use and the Thriving Welsh Language well-being goal”*.

#### 7.10 Geology and Geotechnical

Geology is mentioned in Section 2.3.1 of the SR. A comprehensive suite of proposals was submitted with application C12/0874/16/MW which was supported by geological and geotechnical information. Such information should be updated in respect of the development proposals for the extension as well as justification for the extended tipping areas.

## 8.1 Habitats Regulation Assessment

The Conservation of Habitats and Species Regulations 2017 require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the findings of the Court of Justice of the European Union, (CJEU) (*People over Wind 30<sup>th</sup> May 2017*) that mitigation measures (*referred to in the judgment as measures which are intended to avoid or reduce effects*) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening'). The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures. Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The ES would therefore comprise the following chapters;

- Introduction;
- Site Setting and Description;
- Proposed Working Scheme;
- Planning Policy;
- Alternatives (considered as part of the EIA);
- Landscape and Visual Impact
- Ecology (flora and fauna);
- Geology
- Air Quality
- Noise
- Vibration
- Population and health/Welfare
- Hydrology and Hydrogeology
- Cultural Heritage
- Cumulative Impact

Should you wish to discuss any of the issues raised in this letter, please do not hesitate to contact me.

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)

- Mark Hodgkinson, Managing Director, Welsh Slate Ltd. Penrhyn Quarry, Bethesda, Gwynedd LL57 4YG
- Moira Duell-Parri, Gwynedd Council Public Protection Manager at the area office, Penrallt, Caernarfon, LL55 1BN
- Emily Meilleur, Gwynedd Council Senior Biodiversity Officer, Environmental Services, Regulatory Department, Gwynedd Council Offices, Shirehall Street, Caernarfon, LL55 1SH
- Jenny Emmett, Development Control Archaeologist, Gwynedd Archaeological Planning Service, Craig Beuno, Ffordd y Garth, Bangor, Gwynedd LL57 2RT
- Gareth Thomas, Planning Liaison Officer, Natural Resources Wales, Llwyn y Brain, Ffordd Penlan, Parc Menai, Bangor LL57 4DE
- Aled Lloyd, Head of Development Management and Compliance, Snowdonia National Park Authority
- Nicola Davies, CADW, Protection and Policy
- Jason Ingram, Welsh Government Department for Economy and Infrastructure
- Gary Nancarrow, Manager (Minerals & Waste) On behalf of the North Wales Minerals and Waste Planning Service





**ADRAN AMGYLCHEDD****GWASANAETH GWARCHOD Y CYHOEDD**

<b>Oddi wrth:</b>	Moira A Duell-Parri Swyddog Iechyd yr Amgylchedd	<b>At:</b>	Dafydd Gareth Jones, Uwch Swyddog Cynllunio Mwynau a Gwastraff
<b>Ein Cyf:</b>	MAD/G7/sru187727	<b>Eich Cyf:</b>	C18/1000/16/SO
<b>Dyddiad:</b>	18/01/19	<b>Dyddiedig:</b>	10/01/19

**Par: Cais am farn cwmpasu o dan Rheol 14, Rhan 4 o'r Rheoliadau Cynllunio Gwlad a Thref [Asesiad Effaith Amgylcheddol] [Cymru] 2017 - Estyniad arfaethedig i chwarel Penrhyn**

Cyfeiriaf at eich ail-ymgyngori ar y cais uchod, sydd wedi rhoi gwybodaeth bellach am yr ardaloedd tipio. Mae Rhan 2.42 o'r ddogfen Proposed Extension to Penrhyn Quarry SLR Ref No: 403.02491.00041 November 2018 (S.R) yn cyfeirio at eiddo neu poblogaeth sensitif mewn perthynas â'r ardal estynedig yn unig.

Bydd rhaid i'r Ymgeisydd datgan yr eiddo a phoblogaeth sensitif i'r Ardaloedd Tipio yn ogystal, gan fod hyn yn 360m o'r tŷ agosaf. Mae Llwybr troed Llandegai rhif 43 hefyd tua 125medr i ffwrdd o leoliad Tipio Rhif 2 a Llwybr Troed Rhif 50 o gwmpas 100 medr i ffwrdd o leoliad tipio 2.

Gan fod y chwarel hefyd yn destun Caniatâd Amgylcheddol dan orfodaeth Atal a Rheoli Llygredd Awdurdod Lleol (LAPPC) byddai hyn hefyd yn effeithio sut mae'r asesiad risg yn cael ei sgorio.

**Ansawdd Aer**

Noder yn Tudalen 20 o'r Adroddiad S.R dyddedig tachewedd 2018 Table 4.1 bod yr Ymgeisydd yn cydnabod bod allyriadau llwch yn tueddu i ddisgyn tu fewn i 250 medr o'r ardal gwaith. Er bod yr ymgeisydd wedi cyfeirio at yr Ardal Estynedig nid yw'r Adroddiad yn ystyried yr ardal tipio yn llawn wrth ddod i'r casgliad y byddai modd cwmpasu allan o'r Asesiad Effaith Amgylcheddol. Rydym felly o'r farn y byddai angen cynnwys Ansawdd Aer yn y cyd-destun yma tu fewn i'r Asesiad.

**Sŵn**

Mae'r testun sŵn yn derbyn sylw dan yr run Tabl, Tudalen 23 a pe byddai'r cais am yr ardal estynedig yn unig fuasai modd cwmpasu sŵn allan o'r Asesiad. Gan fod y cais hefyd am yr ardal tipio, bydd rhaid ymgymryd ag Asesiad Sŵn ar gyfer y gweithgaredd tipio gan ei fod yn agos at dai preswyl.

Rhaid i'r asesiad ddangos bod y lefelau sŵn, ffrwydro a gorbwysedd aer (air over-pressure) o fewn lefelau derbyniol.

## **Poblogaeth Ac Iechyd/Asesiad Lles**

Gan nodi ein sylwadau uchod ni fyddwn yn gwybod yr effaith Amgylcheddol ar Iechyd y gymuned ac felly byddwn yn ystyried ei fod yn angenrheidiol i gynnwys Asesiad Lles fel rhan o'r Asesiad Effaith Amgylcheddol.



**Moira Ann Duell-Parri**  
**Swyddog Iechyd yr Amgylchedd**

**Request for scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn quarry**

I refer to your re-consultation on the above application, which has provided further information on tipping areas. Part 2.42 of the Proposed Extension to Penrhyn Quarry SLR Ref No: 403.02491.00041 November 2018 (S.R) refers to a sensitive property or population only in relation to the extended area.

The Applicant will also need to refer to the property and sensitive population in respect to the tipping areas, as this is 360m from the nearest house. Llandegai footpath number 43 is also approximately 125 meters away from the Tipping area No. 2 and Footpath No. 50 approximately 100 meters away from a tipping location 2.

As the quarry is also the subject of an Environmental Permit enforced under Local Authority Pollution Prevention and Control (LAPPC), this would also affect how the risk assessment is scored.

**Air Quality**

It is noted in Page 20 of the S.R Report dated November 2018, Table 4.1 that the Applicant recognizes that dust emissions tend to fall within 250 meters of the work area. Although the applicant has referred to the Extended Area, the Report does not fully consider the tipping area when concluding that it could be covered by the Environmental Impact Assessment. In this context, we therefore believe that Air Quality would need to be included within the Assessment.

**Noise**

The noise issue is addressed under the same Table, Page 23 and if the application only included for the extended area, it would be possible to scope noise out of the Assessment. As the application also includes tipping areas, it will be necessary to undertake a Noise Assessment for the tipping activity as it is near residential housing.

The assessment must show that the levels of noise, blasting and air overpressure are within acceptable levels.

**Population and Health / Welfare Assessment**

In respect of our comments above we will not know the environmental impact on Community Health and therefore we will consider it necessary to include a Welfare Assessment as part of the Environmental Impact Assessment.





**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-71321-N9Z9  
Eich cyf/Your ref: C18/1000/16/SO

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Ebost/Email: [NorthPlanning@cyfoethnaturiolcymru.gov.uk](mailto:NorthPlanning@cyfoethnaturiolcymru.gov.uk)  
Ffôn/Phone: (0300) 065 3786

Mr Dafydd Gareth Jones  
Swyddog Cynllunio / Planning Officer  
Adran Cynllunio / Planning Department  
Cyngor Gwynedd Council  
Ffordd y Cob  
Pwllheli  
LL53 5AA

Dyddiad/Date: 12<sup>th</sup> December 2018

Annwyl/Dear Mr Jones,

**Cais am farn cwmpasu o dan Rheol 14, Rhan 4 o'r Rheoliadau Cynllunio Gwlad a Thref [Aseiad a Effaith Amgylcheddol] [Cymru] 2017 - Estyniad arfaethedig i chwarael Penrhyn  
Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn  
Chwarael Penrhyn, Bethesda, LL57 4YG**

Thank you for consulting us on the above scoping opinion, which we received on the 7<sup>th</sup> November 2018. NRW has reviewed the information provided in the 'Proposed Extension to Penrhyn Quarry, Request for a Scoping Opinion, Prepared for: Welsh Slate, SLR Ref: 403.02491.00041, November 2018).

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or on the submission of a more detailed scoping report, or the full Environmental Statement. At the time of any planning application there may be new information available which we will need to take into account in making a formal response.

These comments include those matters NRW consider will need to be taken into consideration and applied to the Environment Impact Assessment (EIA) and the resulting Environmental Statement (ES):

### Protected Sites

The site lies within the Eryri Special Area of Conservation (SAC) and Eryri Site of Special Scientific Interest (SSSI), mainly designated for their montane habitats, but in this area, more specifically for its blanket bog and wet heath.

The proposal, though within the curtilage of the extant planning consent, extends the footprint of the quarry workings into areas previously excluded (due to their ecological value), notably areas of wet heath and flush.

The existing consent includes the provision of a diversionary leat (which was poorly executed, in the wrong place and required significant remedial works) and the proposal seems to suggest that

this may be moved to a new location. It is difficult to see how this will be done without itself impacting on SAC features.

An area of “compensation” land to the east of the development area was provided for the loss of SAC area (but not feature) in the earlier planning consent. However, this was an area of pre-existing habitat. We have been unable to ascertain what management was undertaken on this area or indeed whether any material change was instituted. This should be detailed within any EIA.

The applicants will need to assess the impact of moving the short section of the leat to accommodate the extension, to ensure that the mitigation that the leat provided for the consented development is not made worse, but potentially improved.

We fully agree that the impact of the proposed development upon protected sites cannot be scoped out, and the applicants should be satisfied that they will provide sufficient information within any application to enable the Local Planning Authority to carry out an assessment under the Conservation of Habitats and Species Regulations 2017.

By satisfying the requirements regarding the SACs, as indicated above, it is likely the requirements for the SSSIs will also be met.

### **Hydrogeology**

We are satisfied with the proposed scope of the EIA as it relates to hydrogeology. Table 4.1 states *“In view of the ecological designations it is accepted that hydrology cannot be scoped out of the EIA. Consideration will be given to the hydrological and hydrogeological regimes at the quarry and how they may be affected by extending the workings, having regard to current practice. The assessment will build upon the assessment undertaken for the ROMP review.”*

We note the reference in 2.3.3 to dewatering from the quarry sump. Dewatering is no longer exempt from abstraction licensing and the applicants should review our guidance to determine whether the current dewatering on site required an abstraction licence.

The study of the hydrogeology of the proposed development will inform any potential additional mitigation (in terms of the leat) required in terms of the protected sites above.

The current mitigation measures and operational practices in terms of the water environment will need to be reviewed to ensure that will continue to be effective for any potential proposed development.

You are advised to consult your drainage engineers, who act as the Lead Local Flood Authority on the impact on any surface water flow regime downstream of the proposed development.

### **Landscape**

We agree that Landscape and Visual Impacts need to be scoped in, given the site’s location within the setting of Snowdonia National Park.

Within section 2.3.4, Landscape, the landscape context has been appropriately set out.

It could be made clearer that the quarry and proposed site lie within the setting of Snowdonia National Park. The site is likely to be seen from Elidr Fach, the head of the ridge at Carnedd y

Filliast (both open access land) and from the public footpath at Cefn yr Orsedd to the east of the Nant Francon Valley. Community outlook and views from public footpaths to the north and west of the site may be relevant.

Within section 2.4.1 Land use designations, taking into account the Snowdonia Dark Skies Reserve, the site does not lie within a core zone (see Map 1 Snowdonia National Park Authority SPG (Light Pollution October 2016), but the SPG seeks to protect the night time character of the National Park by avoiding Obtrusive Lighting. From our review of the project proposal activity outside of daylight hours appears unlikely, but if this should happen, effects and mitigation may need to be considered.

Within section 2.4.2, Residential/Human Receptors, walkers on the hillslopes above the quarry are a human receptor. This should be considered.

Within Table 4-1, Environmental Topics – Landscape and Visual Impact, visual receptors need to be referred to – Walkers within Snowdonia National Park (see our comments to 2.3.4 above). It would be helpful to have a draft schedule of viewpoints with a location plan submitted to agree the viewpoints.

Within Table 4-1, Noise – we note that effects on tranquility are not proposed to be assessed, as the proposed extension would not have any material effect over and above that already consented. To agree with this, we need confirmation that blasting operations have ceased within other the areas of the quarry. Otherwise cumulative effects on tranquility may need to be assessed.

We believe that the restoration approach within section 3.8 is appropriate. The EIA will need to include the approved ROMP restoration plan and the proposed site, to confirm any implications for the development's restoration.

For previous applications at Penrhyn Quarry, SLR have provided clear plans and contextual information. These would be applicable again here. Photomontage images will be required to explain the nature of change during the operational phase.

### **Protected Species**

Previous surveys carried out by Gritten Ecology (2010) identified the land proposed for extension as sub-optimal for protected species, and only recommended further surveys for reptiles.

However, it's stated within the scoping opinion report (Nov 2018) that further extended phase 1 surveys will be undertaken to establish whether there has been any change to the ecological conditions at the site.

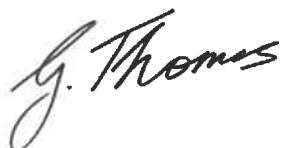
We are satisfied with this approach in respect to protected species.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

If you have any queries concerning the above, please contact me on the details below.

We advise that in addition to planning permission, it is the applicant's responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours' faithfully,



**Mr. GARETH THOMAS**

**Cynghorydd Cynllunio Datblygiad / Development Planning Adviser**

Epost/Email: [NorthPlanning@cyfoethnaturiolcymru.gov.uk](mailto:NorthPlanning@cyfoethnaturiolcymru.gov.uk)

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**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-74370-J5M1  
Eich cyf/Your ref: C18/1000/16/SO

Maes y Ffynnon  
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Mr Dafydd Gareth Jones  
Swyddog Cynllunio / Planning Officer  
Adran Cynllunio / Planning Department  
Cyngor Gwynedd Council  
Ffordd y Cob  
Pwllheli  
LL53 5AA

Dyddiad/Date: 9<sup>th</sup> January 2019

Annwyl/Dear Mr Jones,

**Cais am farn cwmpasu o dan Rheol 14, Rhan 4 o'r Rheoliadau Cynllunio Gwlad a Thref [Aseidiada Effaith Amgylcheddol] [Cymru] 2017 - Estyniad arfaethedig i chwarel Penrhyn Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn Quarry Chwarel Penrhyn, Bethesda, LL57 4YG**

Diolch i chi am ein hail-ymgynghori ar y cais uchod, a dderbyniom ar 19 Rhagfyr 2018.

Roedd y wybodaeth ychwanegol yn egluro ymhellach fanylion y ddau faes tipio yn y chwarel bresennol. Mae ein llythyr dyddiedig 12 Rhagfyr 2018 yn dal yn berthnasol; fodd bynnag, mae hefyd gennym y sylwadau ychwanegol canlynol.

### Safleoedd a Warchodir

Rydym yn nodi bod yr ardal ymestyn arfaethedig yn dir comin cofrestredig; Felly, dylid ystyried effaith y datblygiad ar y comin a hawliau cysylltiedig, gan gynnwys hawliau pori a hawliau mynediad cyhoeddus.

### Tirlun

Gellid bod wedi cyflwyno ffotograffau safbwynt a ddefnyddiwyd ar gyfer cais C16/1164/16/MW gyda'r e-bost diweddaraf a anodi er mwyn cadarnhau pa tipiau fyddai'n cael eu haddasu gan y cynnig presennol. Nid yw cynllun y safle na ffotograff o'r awyr yn rhoi digon o wybodaeth i ni ar hyn o bryd.

Mae gennym felly bryder posibl; os byddai tipio'n digwydd i lawr y gwynebau i'w weld i'r cyhoedd o'r tipiau blaengar amlwg— gallai'r cyferbyniad o ran lliw rhwng llechen wedi'i hindreulio a'i chloddio'n ddiweddar fod yn amlwg. Gallai storio gwastraff ar dop y domen a symudiadau cerbydau addasu proffil tipiau ac effeithio ar y llonyddwch. Lle gwelir yn erbyn y nenlinell gallai hyn fod yn arbennig o ymwithiol gweledol.

Mae angen asesu'r agweddau hyn a chynllunio gwaith tipio er mwyn tarfu cyn lleied â phosibl ar safbwyntiau a llonyddwch (synnwyr clywedol a gweledol o reddf).

Yn ogystal â lluniau o'r safbwynt, byddai angen draws- adrannau i ddangos y proffiliau presennol ac arfaethedig, fel y gwelir yn yr edrychiad gyhoeddus. Efallai y bydd angen lluniau montage yn dibynnu ar welededd a graddau'r newid o safbwyntiau penodol.

Mae ein sylwadau uchod yn ymwneud yn benodol â materion sydd wedi'u rhestru yn ein dogfen 'Pynciau Ymgynghori' (Medi 2018) sydd wedi'i gyhoeddi ar ein gwefan: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&md=131819256840000000>). Nid ydym wedi ystyried yr effeithiau posibl ar faterion eraill ac ni ellir diystyru'r posibilrwydd y gall y datblygiad arfaethedig effeithio ar fuddiannau eraill, gan gynnwys buddiannau amgylcheddol o bwysigrwydd lleol.

Peidiwch ag oedi i gysylltu â mi os bydd angen gwybodaeth bellach neu eglurhad o'r uchod.

Dylid tynnu sylw ymgeiswyr at y ffaith, mai eu cyfrifoldeb hwy yw sicrhau eu bod yn cael y trwyddedau/caniatâd sy'n berthnasol i'w datblygiad, yn ogystal â chaniatâd cynllunio.

---

Thank you for re-consulting us on the above application, which we received on the 19<sup>th</sup> December 2018.

The additional information further clarified the detail of the two tipping areas within the existing quarry. Our letter dated 12<sup>th</sup> December 2018 is still relevant; however, we also have the following additional comments:

### **Protected Sites**

We note that the proposed extension area is registered Common Land; therefore, the effect of the development on the Common and associated rights, including grazing rights and public access rights, should be considered.

### **Landscape**

Viewpoint photographs used for application C16/1164/16/MW could have been usefully submitted with the latest email and annotated to confirm which tips would be modified by the current proposal. The site plan and aerial photograph don't provide us with enough information at this stage.

We therefore have a potential concern; should tipping take place down the public facing elevations of prominent relict tips – the contrast in colour between weathered and recently excavated slate could be noticeable. Storage of waste on the top of the tip and vehicle movements could modify the profile of tips and affect tranquility. Where seen against the skyline this could be particularly visually intrusive.

These aspects need to be assessed and tipping operations planned to minimise disturbance to views and tranquility (both an audible and visual sense of peacefulness).

In addition to viewpoint photos, cross-sections would be required to illustrate existing and proposed profiles as would be seen within public views. Photomontage images may be required depending on visibility and degree of change from specific viewpoints.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

If you have any queries concerning the above, please contact me on the details below.

We advise that in addition to planning permission, it is the applicant's responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours' faithfully,



**Mr. GARETH THOMAS**

**Cynghorydd Cynllunio Datblygiad / Development Planning Adviser**

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Llywodraeth Cymru  
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APPENDIX 3a

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Planning Gwynedd County Council  CYNLLUNIO@gwynedd.llyw.cymru	Eich cyfeirnod Your reference  Ein cyfeirnod Our reference  Dyddiad Date  Llinell uniongyrchol Direct line  E-bost Email:	C18/1000/16/SC   13 December 2018  0300 0256007  <a href="mailto:amadminplanning@gov.wales">amadminplanning@gov.wales</a>
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Dear Sir / Madam,

**Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn Chwarel Penrhyn, Bethesda, Bangor, Gwynedd, LL574YG**

Thank you for your letter dated 28 November 2018 inviting our comments on the above.

Advice

Scheduled Ancient Monuments

CN119 Sling Burial Chamber  
CN219 Ty'n Twr  
CN297 Slate Gwaliau at Felin Fawr, Penrhyn  
CN374 Moel y Ci cairn

Registered Historic Landscape

HLW (Gw 10 ) Ogwen Valley

World Heritage Sites

Slate Industry of North Wales candidate site

A scoping report has been prepared for the Environmental Impact Assessment (EIA) which suggests that the impact of the development on the settings of scheduled monuments can be scoped out of the EIA as there are no scheduled monuments inside 2km of the proposed development area. However the proposed development is some 3.32 ha in area and for a development of this size, we recommend that a search area of 3km should be used, in which the 4 scheduled monuments identified above are present. In order that the assessment follows Welsh Government guidance we therefore cannot agree that the impact of the proposed development on the setting of scheduled monuments can be scoped out of the EIA. We strongly recommend that this assessment should be produced in accordance with the Welsh Government document "The Setting of Historic Assets in Wales".

The application site is within the Dyffryn Ogwen Registered Landscape of Outstanding Historic Interest, and the quarry and its historical and geographical

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



associations are primary components of this landscape. Section 6.5.27 of Planning Policy Wales indicates that this will be a material consideration in an application such as the extension to Penrhyn Quarry and section 6.5.28 of that document explains that an Assessment of the Significance of the Impact of Development on the Historic Landscape (ASIDOHL2) report should be produced as part of the EIA process. Our Historic Environment Senior Planning Inspector should be contacted to agree the scope of the ASIDOHL assessment.

The extraction area is outside the boundary area of the proposed World Heritage Site of the Slate Landscapes of Northwest Wales. However, it is noted that the historic North Quarry which is referenced as a potential tipping location would be within the boundary of the proposed World Heritage Site and tipping here would therefore raise considerable concerns. The impact of the proposed expansion of the quarry on the nominated World Heritage Site will be a consideration in the determination of the planning application and we recommend that an assessment of this impact should be included in the EIA.

We recommend that the information contained in the Welsh Government document "Managing Change in World Heritage Sites in Wales" should be considered when assessing any impact.

Yours sincerely,

Nichola Davies  
Diogelu a Pholisi/ Protection and Policy



Llywodraeth Cymru  
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd CF15 7QQ  
Ffôn 0300 025 6000  
E-bost [cadw@llyw.cymru](mailto:cadw@llyw.cymru)  
[cadw.gov.wales](http://cadw.gov.wales)

## APPENDIX 3b

Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd CF15 7QQ  
Ffôn 0300 025 6000  
E-bost [cadw@llyw.wales](mailto:cadw@llyw.wales)  
[cadw.gov.wales](http://cadw.gov.wales)

Planning Gwynedd County Council  CYNLLUNIO@gwynedd.llyw.cymru	Eich cyfeirnod Your reference  Ein cyfeirnod Our reference  Dyddiad Date  Llinell uniongyrchol Direct line  E-bost Email:	C18/1000/16/SC   10 January 2019  0300 0256007  <a href="mailto:amadminplanning@gov.wales">amadminplanning@gov.wales</a>
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Dear Sir / Madam,

### **Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn Chwarel Penrhyn, Bethesda, Bangor, Gwynedd, LL574YG**

Thank you for your letter dated 19 December 2019 inviting our comments on the amended plans for the above.

#### Advice

#### Scheduled Ancient Monuments

CN119 Sling Burial Chamber  
CN219 Ty'n Twr  
CN297 Slate Gwaliau at Felin Fawr, Penrhyn  
CN374 Moel y Ci cairn

#### Registered Historic Landscape

HLW (Gw 10 ) Ogwen Valley

#### World Heritage Sites

#### Slate Industry of North Wales candidate site

A scoping report has been prepared for the Environmental Impact Assessment (EIA) which suggests that the impact of the development on the settings of scheduled monuments can be scoped out of the EIA as there are no scheduled monuments inside 2km of the proposed development area. However the proposed development is some 3.32 ha in area and for a development of this size, we recommend that a search area of 3km should be used, in which the 4 scheduled monuments identified above are present. In order that the assessment follows Welsh Government guidance we therefore cannot agree that the impact of the proposed development on the setting of scheduled monuments can be scoped out of the EIA. We strongly recommend that this assessment should be produced in accordance with the Welsh Government document "The Setting of Historic Assets in Wales".

The application site is within the Dyffryn Ogwen Registered Landscape of Outstanding Historic Interest, and the quarry and its historical and geographical

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



associations are primary components of this landscape. Section 6.1.27 of Planning Policy Wales indicates that this will be a material consideration in an application such as the extension to Penrhyn Quarry and the Technical Advice Note 24 section 7.8 explains that an Assessment of the Significance of the Impact of Development on the Historic Landscape (ASIDOHL2) report should be produced as part of the EIA process. Our Historic Environment Senior Planning Inspector should be contacted to agree the scope of the ASIDOHL assessment.

The impact of the proposed expansion of the quarry on the nominated World Heritage Site will be a consideration in the determination of the planning application Planning Policy Wales Section 6.1.22, and we recommend that an assessment of this impact should be included in the EIA.

We recommend that the information contained in the Welsh Government document "Managing Change in World Heritage Sites in Wales" should be considered when assessing any impact.

Yours sincerely,

Nichola Davies  
Diogelu a Pholisi/ Protection and Policy



19<sup>th</sup> November 2018

Our Ref: 1119je01/D1324

Dafydd Gareth Jones  
Uwch Swyddog  
Gwasanaeth Cynllunio Mwynau a Gwastraff Gogledd Cymru  
Neuadd Penrhyn  
Tan y Fynwent  
Ffordd Gwynedd  
Bangor  
LL57 1DT

Dear Gareth,

**Planning application: C18/1000/16/SO**  
**Penrhyn Quarry, Bethesda**

Thank you for consulting us on the above scoping request.

I confirm that, as known archaeological remains would be directly affected by the proposed quarry extension, archaeology and cultural heritage should be included in the environmental impact assessment. The scope of work outlined in Table 4.1 (p.24) of the scoping document, drawing on the extensive body of work already carried out, appears suitable in respect of direct impacts.

The proposal to scope out indirect heritage effects (assumed to refer to impacts on setting and historic landscape character) is not acceptable. Any archaeological assessment must acknowledge and consider the impacts upon any statutorily designated site within a proposal site or its sphere of influence as a matter of good practice, even where there is no apparent significant effect. Under the Town and Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016, Schedule 4I(ii)e, Cadw must be consulted on any development likely to be visible from a scheduled monument which is within a distance of 5km from the perimeter of a scheduled monument and which is 100m or more in height or has an area of 1 hectare or more. As the proposed extension measures approximately 4.3 hectares, the assessment will be obliged, as a minimum, to identify scheduled monuments within a 5km radius of the application site and to establish whether any visual relationships exist, in order to provide an evidence base for this consultation.

In addition, the application site is within both the Dyffryn Ogwen Registered Landscape of Outstanding Historic Interest and the nominated World Heritage Site of the Slate Industry of North Wales, with the quarry and its historical and geographical associations being primary components of both. Potential impact upon the nominated World Heritage Site and its setting must be included in the archaeology and cultural heritage chapter of the environmental statement and a separate Assessment of the Significance of the Impact of Development on the Historic Landscape (ASIDOHL2) report should be produced in relation to the Dyffryn Ogwen Registered Historic Landscape. It is recommended that the applicant's archaeological consultants should discuss the scope of these assessments with both us and Cadw, since

*Archaeolegydd Rheoli Datblygiad JENNY EMMETT - Development Control Archaeologist*

Cadw have a statutory responsibility towards World Heritage Sites and take curatorial responsibility for ASIDOHL2 where development is subject to EIA.

Please do not hesitate to contact me should you wish to discuss any of the above.

Yours sincerely

Jenny Emmett  
**Senior Development Control Archaeologist**

cc N Maylan, Cadw  
R Sumner/J Bullen, NRW

**From:** Aled Lloyd  
**Sent:** 28 November 2018 14:30  
**To:** Cynllunio/Planning <[CYNLLUNIO@gwynedd.llyw.cymru](mailto:CYNLLUNIO@gwynedd.llyw.cymru)>  
**Subject:** RE: Cais Cynllunio / Planning Application C18/1000/16/SO

Diolch am ymgynghori'r Awdurdod ar Gais am farn cwmpasu o dan Rheol 14, Rhan 4 o'r Rheoliadau Cynllunio Gwlad a Thref [Aseidiadau Effaith Amgylcheddol] [Cymru] 2017.

Wedi astudio'r manylion gofynnir i'r Cyngor ystyried effaith gweledol y datblygiad o'r Parc Cenedlaethol ac oes bydd effaith yn cael ei adnabod dylid dangos pa fesurau y bwriedir i leddfu'r effaith hwnnw.

Yn gywir

**Aled Lloyd. MRTPI**  
**Pennaeth Rheolaeth Datblygu a Chydymffurfiaeth / Head of Development Management and Compliance**  
*Awdurdod Parc Cenedlaethol Eryri / Snowdonia National Park Authority*  
Teleffon / Tel: 01766 772212  
[www.eryri-npa.gov.uk](http://www.eryri-npa.gov.uk)



Ysgrifennwch ataf yn Gymraeg neu Saesneg  
Please write to me in Welsh or English

 **PARCIAU NATIONAL  
CENEDLAETHOL PARKS**



## **Jones Dafydd Gareth (AMG)**

---

**From:** Jones Dafydd Gareth (AMG)  
**Sent:** 05 December 2018 09:57  
**To:** 'Chris Lowden'  
**Cc:** Mark Hodgkinson  
**Subject:** FW: Penrhyn Quarry Scoping Request C18/1000/16/SO  
**Attachments:** 421857\_Sylwadu Uned Bioamrwyiaeth - 13.11.18.doc; 422711\_sylwadau gaps - 19.11.18.pdf; 422712\_Sylwadau\_Gwasanaeth\_Cynllunio\_Parc\_Cenedlaethol\_Eryri\_28.11.18.pdf

Chris,

I've just remembered that the comments of the National Park Authority are in Welsh. In translation, the Head of Management and Compliance requests that the ES considers the visual impact of the proposal from the Eryri National Park and if any impacts are identified, appropriate measures should be shown to mitigate for those effects.

Regards,

**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**

**Neuadd Penrhyn**

**Tan y Fynwent**

**Ffordd Gwynedd**

**Bangor LL57 1DT**

**Tel: 01286 679813 (Est/Ext: 2813)**

**Symudol/Mobile: 07766 511 535**

**ebost/email: [DafyddGarethJones@gwynedd.llyw.cymru](mailto:DafyddGarethJones@gwynedd.llyw.cymru)**

---

**From:** Jones Dafydd Gareth (AMG)  
**Sent:** 05 December 2018 09:40  
**To:** 'Chris Lowden' <clowden@slrconsulting.com>  
**Cc:** Mark Hodgkinson <mark.hodgkinson@breedongroup.com>  
**Subject:** Penrhyn Quarry Scoping Request C18/1000/16/SO

Dear Chris,

**MPA Ref:** C18/1000/16/SO  
**Proposal:** Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn  
**Location:** Penrhyn Quarry, Bethesda, Bangor, Gwynedd, LL574YG

I enclose for your attention, comments received in response to consultation from the Snowdonia National Park Authority, Gwynedd Biodiversity and Gwynedd Archaeological Planning Service.

I am still awaiting a response from Natural Resources Wales, Gwynedd Public Protection and CADW and I will keep you informed of progress as soon as I have any further information to hand.

Regards,

**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**

**Neuadd Penrhyn**

**Tan y Fynwent**

**Ffordd Gwynedd**

**Bangor LL57 1DT**

**Tel: 01286 679813 (Est/Ext: 2813)**

**Symudol/Mobile: 07766 511 535**

**ebost/email: [DafyddGarethJones@gwynedd.llyw.cymru](mailto:DafyddGarethJones@gwynedd.llyw.cymru)**

## ADRAN AMGYLCHEDD

### GWASANAETH TRAFNIDIAETH a CEFN GWLAD

<b>Oddi wrth:</b> Emily Meilleur, Uwch Swyddog Bioamrywiaeth, Cyngor Gwynedd	<b>At:</b> D Gareth Jones, Swyddog Cynllunio, Cyngor Gwynedd
<b>Ein Cyf:</b>	<b>Eich Cyf:</b>
<b>Dyddiad:</b> 13 <sup>th</sup> Nov 2018	<b>Dyddiad:</b>

Cais Rhif: C18/1000/16/SO  
Rhif A.O./O.S. Reference: 260870 : 363829  
Swyddog / Officer: D Gareth Jones

07/11/2018

**Bwriad / Proposal:** Cais am farn cwmpasu o dan Rheol 14, Rhan 4 o'r Rheoliadau Cynllunio Gwlad a Thref [Aseuada Effaith Amgylcheddol] [Cymru] 2017 - Estyniad arfaethedig i chwarael Penrhyn / Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn  
**Lleoliad / Location:** Chwarael Penrhyn, Bethesda, Bangor, Gwynedd, LL574YG

Dear D Gareth Jones,

It is my opinion that the above proposal does require an Environmental Impact Assessment because it comes under the schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. It states under schedule 2 that under "*extractive industry : (a) Quarries, open cast mining and peat extraction*" that "*all development*" requires EIA.

This proposal for the extension of the quarry is within two protected sites:

- Eryri SAC
- Eryri SSSI

Surveys and assessment required:

- Information to inform a Habitats Regulations Assessment for the impact on Eryri SAC
- Detailed vegetation mapping would be required – it would be beneficial if the vegetation areas were digitized so that they could be analyzed in GIS. The delegation survey should follow the NVC method and classify vegetation to NVC communities. It should also relate the vegetation to section 7 habitats.
- Reptile survey and assessment
- Bird survey and assessment
- Soils
- Invertebrates (terrestrial and freshwater)
- Grassland fungi
- Lichens
- Badger
- Fish
- Hydrology

The work should follow the guidelines produced by CIEEM 2016 on Ecological Impact Assessments.

The quarry was granted an extension of area in 2012.

There is an archeological feature of national significance within the proposed area of extension.

**Emily Meilleur**

Senior Biodiversity Officer  
Uwch Swyddog Bioamrywiaeth  
Cyngor Gwynedd Council  
01286 679977  
Biodiversity@gwynedd.llyw.cymru  
[bioamrywaith@gwynedd.llyw.cymru](mailto:bioamrywaith@gwynedd.llyw.cymru)



**Jones Dafydd Gareth (AMG)**

---

**From:** Meilleur Emily Thea (AMG) on behalf of Bioamrywiaeth  
**Sent:** 18 December 2018 10:56  
**To:** 'Jess Colebrook'; Bioamrywiaeth; Jones Dafydd Gareth (AMG)  
**Cc:** Chris Lowden  
**Subject:** RE: Penrhyn Quarry Scoping Request C18/1000/16/SO  
**Attachments:** ENVIROMENTAL CONSULTANT 2018.doc

Dear Jess,

I think that meeting at the site would be useful. I can meet on the 7<sup>th</sup> or 8<sup>th</sup> of January. It would be good to have a look at the vegetation and other ecological features.

This proposal is within two protected sites –  
Eryri SAC  
Eryri SSSI

I disagree with your recommendation for ecological surveys, due to the installation of the leate there may have been some changes to the vegetation. I recommend that a vegetation/habitat survey is undertaken. A detail map should be provided showing the vegetation communities & habitats. This map should include target notes. To identify vegetation communities it is necessary to undertake NVC (i.e. quadrats). I have attached a list of environmental consultants.

The lichens and Lichenicolous fungi may have been affected by dust and I think it would be worth re-surveying them.

I agree there is no need to undertake surveys for great crested newt, the habitat is not suitable and there are no GCNs in the area. However consideration should be given to other amphibians such as toads which as listed under section 7 of the Environment Act (Wales) 2016 by the Welsh Government as species of principle biodiversity importance.

It would also be very useful to have all the data that has been generated through the surveys for the quarry to be digitized and submitted to Cofnod.

Reptiles are within the site and I recommend a survey is undertaken and that a plan for the reasonable avoidance measures to avoid harm to reptiles is drawn up.

With regard to other species surveys I can assess the site during our site visit. It is essential that vegetation surveys are undertaken to inform the impacts to the Eryri SAC and to inform a HRA.

To assist in the assessment of impacts a hydrological and soil survey is required.

**Emily Meilleur**

**Senior Biodiversity Officer**  
**Gwynedd Council**  
**01286 679977**

**From:** Jess Colebrook <jcolebrook@slrconsulting.com>  
**Sent:** 17 December 2018 14:59  
**To:** Bioamrywiaeth <Bioamrywiaeth@gwynedd.llyw.cymru>  
**Cc:** Chris Lowden <clowden@slrconsulting.com>  
**Subject:** Penrhyn Quarry Scoping Request C18/1000/16/SO  
**Importance:** High

**FAO:** Emily Meilleur

Dear Emily,

My colleague Chris forwarded the attached response you provided to the planning officer, in respect of the scoping request for a 4.3ha extension to Penrhyn Quarry, of which around 3ha would be extraction area.

I will be preparing the Ecological Impact Assessment in accordance with CIEEMs 2018 Guidelines, and have recently undertaken an update surveys of the site and surrounding area. I am keen to refine the scope of the EclA with you following my recent site visit.

I have reviewed the ecological work undertaken in 2010 for the area 15 quarry extension; specifically, the individual survey reports for Lichenised and Lichenicolous Fungi, Mycology, Great Crested Newt, Bats, Badger, Reptile, Otter, Bird, Botanical, Invertebrates and Water Vole included as Appendices to the 2012 ES. I believe that the majority of these remain sufficient for the purpose of impact assessment and advocate a proportionate approach to additional survey work, based upon the earlier results. I therefore propose;

- An updated desk study and data gathering exercise - *this has already been completed and COFNOD hold no new additional records for the site;*
- An update walkover survey to verify if habitats remain as previously described - *this is confirmed to be the case. Aerial photos confirm the proportions/locations of bracken and acid grassland have remained more or less constant and the adjacent mire habitats (outside of the site) unchanged;*
- Full re-survey for otter and badger, given their recorded presence and occurrence of suitable habitat nearby - *completed, no evidence found. Badger sett(s) considered absent from within the site/30m of it based on lack of suitable habitat for sett digging and lack of signs. No otter spraints recorded along watercourses/at pools but this is not surprising given the time of year (December); the species is anticipated to use nearby streams and pools in the spring/summer when amphibians are most abundant. There are no potential lying up sites or holts within the site.*
- Other than for otter and badger, no additional species specific survey, on the basis that earlier survey results are sufficient for impact assessment.

The rationale for "scoping out" reptiles, bird, fish, lichen, fungi and invertebrate surveys is "*the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance.*" (Planning Policy Wales, Technical Advice Note 05, 2009). In the case of the species/species groups listed, there is considered to be sufficient pre-existing information to determine that no significant impact will arise as a result of the proposal, based upon potential impact pathways and the mitigation being proposed/that would be implemented as part of the scheme.

For info - in its response to the Scoping Report, NRW stated that it was "satisfied with this approach in respect to protected species".

In view of the above information, are you able to review your earlier response and let me know if you agree with the approach I set out here? If you wish to discuss any aspect of this further then please do not hesitate to get in touch, I am happy to talk on the phone or meet you on site if you prefer (I live within a couple of miles of the quarry).

Best regards,

Jess



Jess Colebrook

Associate - Ecology

+44 1743 239250

+44 7771 630214

[jcolebrook@slrconsulting.com](mailto:jcolebrook@slrconsulting.com)

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**From:** Jones Dafydd Gareth (AMG)  
**Sent:** 05 December 2018 09:40  
**To:** 'Chris Lowden' <[clowden@slrconsulting.com](mailto:clowden@slrconsulting.com)>  
**Cc:** Mark Hodgkinson <[mark.hodgkinson@breedongroup.com](mailto:mark.hodgkinson@breedongroup.com)>  
**Subject:** Penrhyn Quarry Scoping Request C18/1000/16/SO

Dear Chris,

**MPA Ref:** C18/1000/16/SO  
**Proposal:** Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning [Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn  
**Location:** Penrhyn Quarry, Bethesda, Bangor, Gwynedd, LL574YG

I enclose for your attention, comments received in response to consultation from the Snowdonia National Park Authority, Gwynedd Biodiversity and Gwynedd Archaeological Planning Service.

I am still awaiting a response from Natural Resources Wales, Gwynedd Public Protection and CADW and I will keep you informed of progress as soon as I have any further information to hand.

Regards,

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  
Neuadd Penrhyn

**Tan y Fynwent**  
**Ffordd Gwynedd**  
**Bangor LL57 1DT**  
**Tel: 01286 679813 (Est/Ext: 2813)**  
**Symudol/Mobile: 07766 511 535**  
**ebost/email: [DafyddGarethJones@gwynedd.llyw.cymru](mailto:DafyddGarethJones@gwynedd.llyw.cymru)**

**Jones Dafydd Gareth (AMG)**

---

**From:** Meilleur Emily Thea (AMG) on behalf of Bioamrywiaeth  
**Sent:** 14 January 2019 15:34  
**To:** 'Jess Colebrook'; Bioamrywiaeth; Jones Dafydd Gareth (AMG)  
**Cc:** Chris Lowden  
**Subject:** RE: Penrhyn Quarry Scoping Request C18/1000/16/SO

Dear Jess,

Thank you for the site visit last week.

As I mentioned during the site visit that the quarry proposal is for an extension of the quarry (the site we visited); and the tipping onto existing slate tips. Some of the slate tips have become vegetated with heather, grasses, trees, bryophytes and lichens. These have created habitats such as heathland, acid grassland and open mosaic habitat of previously developed land which are all of biodiversity importance.

Ecological surveys and impact assessment of the tips will be needed. They should include vegetation/habitats, lower plants (bryophytes and lichens), reptiles, birds and invertebrates.

With regard to the quarry extension (into the Eryri SAC & SSSI) and your proposed survey method below I agree with your proposed method for reptiles, birds, otters and badgers, however for vegetation and habitat survey previous data can be used but must be ground-checked and it must extend to include the deposits of stones and gravels from the leat, and the new features in the landscape i.e. the leat and trackways.

Planning condition 14 of C12/0874/16/MW is for the review of works (within 3 and five years of the date of the permission) and includes monitoring of habitats in the mitigation area, monitoring of dust, monitoring of habitat creation, and monitoring of leat flow and functioning and the hydrology of Gwaen Gynfi.

Emily Meilleur

Senior Biodiversity Officer  
Gwynedd Council  
01286 679977

**From:** Jess Colebrook <jcolebrook@slrconsulting.com>  
**Sent:** 11 January 2019 15:49  
**To:** Bioamrywiaeth <Bioamrywiaeth@gwynedd.llyw.cymru>; Jones Dafydd Gareth (AMG) <dafyddgarethjones@gwynedd.llyw.cymru>  
**Cc:** Chris Lowden <clowden@slrconsulting.com>  
**Subject:** RE: Penrhyn Quarry Scoping Request C18/1000/16/SO

Hello Emily,

Thanks again for agreeing to meet on site on Tuesday. I set out below a brief summary of our visit and discussion:

[Habitats](#)



Adran yr Economi a'r Seilwaith  
Department for Economy and Infrastructure



Llywodraeth Cymru  
Welsh Government

Swyddfa'r Cyngor  
Gwasanaeth Cynllunio  
Ffordd y Cob  
Pwllheli  
Gwynedd  
LL53 5AA

Eich cyf / Your ref C18/1000/16/SO

Ein cyf / Our ref 18/NM-1812

13 December 2018

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)  
ORDER 2012:**

**Chwarel Penrhyn, Bethesda, Bangor, Gwynedd, LL574YG**

**Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning  
[Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn**

I refer to your consultation of 10/12/2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A5 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox  
NorthandMidWalesDevelopmentControlMailbox@gov.wales

Yours faithfully

Jason Ingram







Adran yr Economi a'r Seilwaith  
Department for Economy and Infrastructure



Llywodraeth Cymru  
Welsh Government

Swyddfa'r Cyngor  
Gwasanaeth Cynllunio  
Ffordd y Cob  
Pwllheli  
Gwynedd  
LL53 5AA

Eich cyf / Your ref C18/1000/16/SO

Ein cyf / Our ref 18/NM-1812

07 January 2019

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)  
ORDER 2012:**

**Chwarel Penrhyn, Bethesda, Bangor, Gwynedd, LL574YG**

**Request for a scoping opinion under Regulation 14, Part 4 of the Town and Country Planning  
[Environmental Impact Assessment] [Wales] Regulations 2017 - Proposed extension to Penrhyn**

I refer to your consultation of 19<sup>th</sup> December 2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A5 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox  
[NorthandMidWalesDevelopmentControlMailbox@gov.wales](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales)

Yours faithfully

Jason Ingram







# EIA Quality Mark Article



## Reasonable Alternatives - when is an alternative not an alternative?

The assessment of alternatives is an area of EIA that appears to be frequently challenged by decision makers. This article looks beyond Environmental Impact Assessment (EIA), to give an appreciation of the complex and interrelating factors to be considered when identifying alternatives in preparing applications for major or large infrastructure projects.

The consideration of alternatives is relevant in the context of EIA, Strategic Environmental Assessment (SEA), and Habitats Regulations Assessment (HRA). Despite the varying definitions and interpretation of alternatives under the differing regimes, all require analysis of alternatives and decisions to take forward or discard them, from project initiation to planning submission.

The SEA Directive<sup>1</sup> requires consideration of reasonable alternatives that take into account the objectives and the geographical scope of the plan or programme. SEA Guidance<sup>2</sup> states that “only reasonable, realistic and relevant alternatives need to be put forward”. The SEA Directive and associated legislation do not define what constitutes a reasonable alternative, or how many alternatives must be considered.

The EIA Regulations<sup>3</sup> require the applicant to provide “an outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects”

Frequently however the consideration of alternatives can have a limited role at EIA stage. “Main alternatives” such as location and type of development may have set at a strategic level, or in defining the scope of the project. EIA practitioners may promote retrospective analysis in order to fulfil the requirements of the EIA regulations. If strategic alternatives however, have been genuinely and thoroughly considered at an earlier stage, does re-consideration add any value?

Main alternatives are often interpreted as how the design of a project itself has changed during its evolution. The challenge is to define such alternatives within the parameters of the project, and at a level of detail that goes beyond strategic assessment, but substantial enough to be considered “main alternatives”, rather than detailed design. Public Inquiry experience suggests that a narrowing of options from SEA stage via an iterative process should be acceptable. Relating to a proposal for housing on greenbelt land<sup>4</sup>, the inspector noted that:

*‘The SEA Directive and Regulations envisage a process of decision making in which the options can be progressively narrowed and clarified. Article 5.2 and Regulation 12(3) permit options to be considered and discarded so that they do not need thereafter to be revisited or reappraised, or taken into account again as alternatives to more detailed proposals made within a selected option. That is what is commonly referred to in planning circles as an “iterative” process.’*

<sup>1</sup> European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”.

<sup>2</sup> Office of Deputy Prime Minister (2005), A Practical Guide to the Strategic Environmental Assessment Directive Practical guidance on applying European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practicalguidesea.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf)

<sup>3</sup> The Town and Country Planning (Environmental Impact Assessment) Regulations (2011).

The requirement to consider alternatives is strengthened for a project that falls within the Habitats Regulations. The Habitats Regulations require that the decision-making authority may only permit or undertake the proposals if the assessment concludes that there would be no adverse effect on the integrity of the designated site. Where it cannot reach this conclusion, the project can then only proceed under article 6(4). The first of three sequential tests under article 6(4) is that *“there must be no feasible alternative solutions to the plan or project which are less damaging to the affected European site(s)”*

Furthermore, DEFRA guidance<sup>5</sup> states that:

*“An alternative should not be ruled out simply because it would cause greater inconvenience or cost to the applicant. However, there would come a point where an alternative is so very expensive or technically or legally difficult that it would be unreasonable to consider it a feasible alternative. The competent authority is responsible for making this judgement according to the details of each case.”*

Decision makers face a challenging balancing act, requiring the consideration of complex technical parameters, cost and environmental impacts.

<sup>4</sup> City and District Council of St Albans v Secretary of State for Communities and Local Government, (2009) EWHC 1280, Paragraph 14.

<sup>5</sup> DEFRA (2012), Habitats and Wild Birds Directives, Guidance on the application of Article 6(4)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69622/pb13840-habitats-iropi-guide-20121211.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69622/pb13840-habitats-iropi-guide-20121211.pdf)

In summary, considering alternatives in preparing applications for major or large infrastructure projects requires a holistic project understanding that goes beyond environmental influences and EIA. It requires careful consideration of the regulations under which a project will be determined, and how the competent authority may weigh up the technical, cost, environmental and legal grounds for defining the scope of “main” “reasonable” or “feasible” alternatives.

*Helen Peake, Arup, January 2014.*

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# Cumulative Effects Assessment

Advice note seventeen: Cumulative effects assessment relevant to nationally significant infrastructure projects

## Status of this Advice Note

This Advice Note has no statutory status and forms part of a suite of advice provided by the Planning Inspectorate.

This is a new Advice Note. It will be kept under review and updated when necessary.

This Advice Note makes reference to other Advice Notes, these can be found at: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

## Summary of this Advice Note

The requirement for cumulative effects assessment (CEA) is set out in Article 4(3) and Article 5(1) of the Environmental Impact Assessment (EIA) Directive<sup>1</sup>. With respect to Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008 (as amended) ("the PA2008"), the requirements of the Directive are implemented through the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) ("the EIA Regulations").

A range of public sector and industry-led guidance is available on CEA but at present there is no single, agreed industry standard method. Consequently, the approach to CEA varies between applications. This Advice Note sets out a staged process that applicants may wish to adopt in CEA for NSIPs. It complements guidance provided in the **Planning Inspectorate's Advice Note 9: Rochdale Envelope**<sup>2</sup>.

## This Advice Note seeks to provide:

- a brief description of the legal context and obligations placed on an applicant, with respect to cumulative effects under national planning policy and the EIA Regulations<sup>3</sup>;
- an overview of the CEA process that applicants may wish to adopt for NSIPs; and
- advice regarding a staged approach and the use of consistent template formats for documenting the CEA within an applicant's Environmental Statement (ES).

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1. Legal Context and Obligations Placed on an Applicant	(Page 2)
2. Overview of the CEA Process for NSIPs	(Page 3)
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1. EIA directive (85/337/EEC) as amended by the Council Directives 97/11/EC, 2003/35/EC and 2009/31/EC and codified by 2011/92/EU. The EIA Directive has recently been amended. The UK has until May 2017 to transpose the new directive into UK legislation. The amended directive does not change the requirement to address cumulative effects
2. <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>
3. The Planning Inspectorate's Advice Note 10 deals with habitats regulations assessment.



This Advice Note should be read in conjunction with the EIA Directive, the EIA Regulations, the PA2008, relevant Government Planning Policy<sup>4</sup>, guidance from Statutory Consultees<sup>5</sup>, European Commission guidance<sup>6</sup>, relevant institute guidelines and emerging industry guidance. To assist, some documents are referenced in the footnotes but it will be for applicants to ensure that all relevant policy, legislation and guidance has been applied.

## 1. Legal Context and Obligations Placed on an Applicant

### EU Directive, Regulatory and Planning Policy Framework

1.1 The EIA Regulations implement the EU Directive “on the assessment of the effects of certain public and private projects on the environment” (usually referred to as the EIA Directive) for the PA2008 regime.

1.2 Schedule 3 paragraph 14 of the EIA Regulations, which refers to the selection criteria for screening Schedule 2 development, states that *‘the characteristics of the development must be considered having regard, in particular, to... (b) the cumulation with other development’*.

1.3 In relation to the information for inclusion in an ES, Schedule 4 Part 1 of the EIA Regulations lists *‘A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent or temporary, positive and negative effects of the development resulting from:*

*(a) the existence of the development;*

*(b) the use of natural resources;*

*(c) the emission of pollutants, the creation of nuisances and the elimination of waste,’ (paragraph 20) and ‘a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment’ (paragraph 21).*

1.4 The need to consider cumulative effects in planning and decision making is set out in planning policy<sup>4</sup>, in particular the National Policy Statements (NPS)<sup>7</sup>. For example, the Overarching NPS for Energy (EN-1)<sup>8</sup> paragraph 4.2.5 states that *“When considering cumulative effects, the ES should provide information on how the effects of the applicant’s proposal would combine and interact with the effects of other development<sup>9</sup> (including projects for which consent has been sought or granted, as well as those already in existence)”*.

1.5 NPS EN-1 paragraph 4.2.6 goes on to state that the Secretary of State should consider how the *“accumulation of, and interrelationship between effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.”*

4. For example: The relevant National Policy Statements (England and Wales); National Planning Policy Framework (NPPF) (England); Planning Policy Wales (Wales)

5. For example: A Strategic Framework for Scoping Cumulative Effects. Marine Management Organisation (MMO) 2014; Development of a generic framework for informing Cumulative Impact Assessments (CIA) related to Marine Protected Areas through evaluation of best practice. Natural England 2014; Design Manual for Roads and Bridges (DMRB) Volume 11, Section 2 Part 5, Highways Agency 2008

6. Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions, European Commission 1999

7. <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/>

8. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/47854/1938-overarching-nps-for-energy-en1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf)

9. For the purposes of this advice note, ‘other development’ is taken to include plans and projects



1.6 The NPSs<sup>7</sup> variously state that applicants should, amongst other matters, consider mitigation for cumulative effects in consultation with other developers; assess cumulative effects on health; give due consideration to other NSIPs within their region; consider positive and negative effects; and consider environmental limits (e.g. the potential for water quality effects to arise due to incremental changes in water quality).

## 2. Overview of the CEA Process for NSIPs

2.1 The scale and nature of NSIPs will typically dictate a broad spatial and temporal zone of influence (ZOI) for an NSIP, resulting in an often complex CEA process. There may be considerable variation in the approach to the identification and assessment of 'other development' as part of the CEA process.

2.2 This Advice Note sets out a four stage approach to CEA that applicants may wish to adopt. The stages are illustrated in Table 1 and outlined in more detail in Section 3 below. Stages 1 – 2 should ideally be undertaken early in the pre-application phase. Additional focussed assessment may be required during examination for newly identified 'other development' with potential to give rise to significant effects. This may be requested by the Examining Authority.

2.3 Template formats for documenting the staged CEA process in a consistent fashion are provided at **Appendix 1: Matrix 1 - Identification of 'other development' for CEA**; and **Appendix 2: Matrix 2 - Assessment matrix**. These template matrices provide a means of clearly presenting the outcomes from each stage of the process in a standardised tabular form for the benefit of all those involved in the application and examination. They can be used by applicants to ensure a robust assessment of effects and can be used to facilitate meaningful consultation during the pre-application stage and beyond. The aim is to make the CEA process transparent and easy to understand, in order to assist the Secretary of State in making the decision.

2.4 Although the process illustrated is in sequential stages, the applicant should be aware that the process is both iterative and on-going and may need to be repeated a number of times during the preparation of a Development Consent Order (DCO) application and during the examination phase.

Table 1: Summary of the staged approach to the CEA process

CEA stage	Activity	Responsible parties
<b>Stage 1: Establish the NSIP's ZOI and identify long list of 'other development'</b>	<p>Key activity: Identifying a long list of 'other development' to support Stages 2-3.</p> <p>Applicant undertakes desk study to establish ZOI of scheme for environmental topics proposed to be scoped into the EIA.</p> <p>The ZOI analysis for the project is documented e.g. in a table describing the ZOI for each topic. Ideally this is supported by Geographical Information Systems (GIS) mapping.</p> <p>The applicant undertakes a desk study of planning applications, development plan documents, relevant development frameworks and any other available sources to identify 'other development' within the ZOI. Key information is documented in Matrix 1. This should include the level of certainty or tier assigned to the 'other development'.</p> <p>The applicant consults with relevant planning authority(ies) and statutory consultees regarding the list of 'other development'.</p> <p>Stage 1 should ideally be completed prior to the formal submission of a request for a Scoping Opinion to the Secretary of State.</p>	<p>Applicant</p> <p>Statutory consultees</p> <p>Planning Inspectorate</p>
<b>Stage 2: Identify shortlist of 'other development' for CEA</b>	<p>Key activity: Develop a shortlist of 'other development' for CEA by applying inclusion/exclusion criteria to the Stage 1 list of 'other development'.</p> <p>Applicant considers inclusion/exclusion threshold criteria as set out in section 3.2 of this advice note to assess whether 'other development' has any potential to give rise to significant cumulative effects by virtue of overlaps in temporal scope; due to the scale and nature of the 'other development'/receiving environment; or any other relevant factors.</p> <p>A shortlist of 'other development' for CEA is identified. Matrix 1 is updated. Documented information may be high level at this stage, outlining key issues to take forward to Stages 3-4. Proposed inclusion/exclusion criteria should ideally be finalised prior to the formal submission of a request for a Scoping Opinion to the Secretary of State.</p> <p>The applicant consults with relevant planning authority(ies) and statutory consultees regarding the shortlisted 'other development'.</p>	<p>Applicant</p> <p>Statutory consultees</p> <p>Planning Inspectorate</p>
<b>Stage 3: Information Gathering</b>	<p>Key activity: Applicant gathers available information regarding the shortlisted 'other development' to inform the CEA. Information should be documented and may be used to update Matrix 2.</p>	Applicant
<b>Stage 4: Assessment</b>	<p>Key activity: CEA of shortlisted 'other development'.</p> <p>Applicant reviews each of the 'other development' in turn to assess whether cumulative effects may arise and documents this using Matrix 2. Mitigation measures should be identified in relation to adverse cumulative effects. Matrix 2 should clearly signpost to the relevant means of securing mitigation e.g. to the DCO Requirements and associated mitigation plans.</p> <p>It may be appropriate to consider the apportionment of effect between the proposed NSIP and the 'other development' e.g. is the contribution to the effect demonstrably related to one development or is there an equal contribution from either development. This will require professional judgement and should not be used as a means to shift the burden of mitigation.</p> <p>The applicant may wish to consult with applicants/developers of 'other development' to identify means to jointly address the mitigation of significant adverse cumulative effects and the means to ensure delivery.</p>	Applicant





2.5 The recommended process focuses on cumulative effects with 'other development'. This should not be confused with the assessment of interrelationships between topics for the proposed NSIP (e.g. between ecology and hydrology). These will have been assessed as part of the specialist topic chapters.

### 3. Staged Approach and Formats for CEA

#### 3.1 Stage 1: Establish the NSIP's ZOI and Long List of 'Other Development'

3.1.1 'Other development' with potential to give rise to cumulative effects should be identified by the applicant with reference to the proposed NSIP ZOI. The applicant should determine the likely spatial ZOI for each environmental topic area within the ES. As a minimum, the ZOI for each topic should be documented. For clarity a table format is recommended (see Table 2 below).

3.1.2 Ideally, the ZOI for each topic should also be mapped, using GIS software in order to generate a transparent and auditable area of search for 'other development'. The applicant may wish to include these maps as appendices to the ES.

**Table 2: Example ZOI summary table entry**

Environmental topic	Zone of Influence
Air Quality	e.g. Construction dust and vehicle emissions – ZOI defined by relevant institute guidelines e.g. Operational plant emissions – ZOI identified by air quality modelling.
Heritage	e.g. Physical effects on buried archaeology – ZOI defined by relevant institute guidelines


3.1.3 Having established and documented the NSIP's ZOI for each topic in the ES, the applicant should obtain available information on 'other development' by reference to planning applications, relevant development plans and any other available sources including stakeholder consultations, in particular with the relevant local planning authority(s). Matrix 1 (**Appendix 1**) may be used to capture this information.

3.1.4 'Other development' types that should be considered in the CEA are listed in Table 3 below. It is acknowledged that the availability of information necessary to conduct the CEA will depend on the current status of the 'other development'. The applicant should clearly state any assumptions or limitations in relation to the 'other development' data collected and it is recommended that the level of certainty assigned to each development is recorded.

3.1.5 An example of assigning certainty is set out in Table 3. The 'other development' is grouped into tiers, reflecting the likely degree of certainty attached to each development, with Tier 1 being the most certain. 'Other development' falling into Tier 3 is least certain and most likely to have limited publicly available information to inform assessments. It is recommended that applicants record the assigned tier in the template matrices at **Appendix 1 and 2**, to illustrate the level of certainty applicable to the information available for the 'other development'.



**Table 3: 'Other Development' for inclusion in CEA**

Tier 1	<ul style="list-style-type: none"> <li>under construction*;</li> </ul>	Decreasing level of detail likely to be available  
	<ul style="list-style-type: none"> <li>permitted application(s), whether under the PA2008 or other regimes, but not yet implemented;</li> </ul>	
	<ul style="list-style-type: none"> <li>submitted application(s) whether under the PA2008 or other regimes but not yet determined;</li> </ul>	
Tier 2	<ul style="list-style-type: none"> <li>projects on the Planning Inspectorate's Programme of Projects where a scoping report has been submitted.</li> </ul>	
Tier 3	<ul style="list-style-type: none"> <li>projects on the Planning Inspectorate's Programme of Projects where a scoping report has not been submitted.</li> </ul>	
	<ul style="list-style-type: none"> <li>identified in the relevant Development Plan (and emerging Development Plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited;</li> </ul>	
	<ul style="list-style-type: none"> <li>identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.</li> </ul>	

\* Where other projects are expected to be completed before construction of the proposed NSIP and the effects of those projects are fully determined, effects arising from them should be considered as part of the baseline and may be considered as part of both the construction and operational assessment. The ES should clearly distinguish between projects forming part of the baseline and those in the CEA.

### **Development related to the NSIP (including permitted development)**

A proposed NSIP may comprise multiple, geographically dispersed development sites (e.g. a development site supported by offsite highways improvements and freight consolidation centres), including development for which consent is sought under a different planning regime (e.g. a town and country planning application). In these circumstances, the applicant should consider the potential for cumulative effects to arise due to the interactions between different components of their NSIP, as well as with 'other development'.

Where the proposed NSIP comprises elements of work classed as permitted development, the applicant should ensure that these are included within the CEA, if they are not considered within the individual topic based assessments.



## 3.2 Stage 2: Identify Shortlist of 'Other Development' for CEA

3.2.1 In order to ensure that the CEA is proportionate, it may be appropriate for applicants to apply threshold criteria to assist in deciding whether to include or exclude 'other development' that falls within the proposed NSIP's ZOI from further assessment.

3.2.2 Ideally, the detail of any inclusion or exclusion criteria proposed to be adopted should be explained at an early stage, such as within the applicant's scoping request, as this would enable the Secretary of State to comment on the criteria. The applicant should provide transparent justification for the decision to exclude any 'other development' from further assessment.

3.2.3 Applicants should not use exclusion criteria to exclude effects deemed individually not significant from the CEA, since by definition the cumulative effect of a number of non-significant effects could in itself be significant.

3.2.4 Where the applicant is considering applying threshold criteria, it is recommended that the applicant has regard to any relevant policy or guidance documents and, in consultation with the appropriate statutory consultees (particularly the local planning authority) considers the following:

- The temporal scope of 'other development';
- The scale and nature of 'other development'; and
- Any other relevant factors.

3.2.5 Professional judgement may help in the application of threshold criteria in order to avoid excluding 'other development' that is:

- Close to the threshold limits but has characteristics likely to give rise to a significant effect; or
- Could give rise to a cumulative effect by virtue of its proximity to the proposed NSIP.

3.2.6 Similarly, professional judgement could be applied to 'other development' that exceeds the thresholds but may not give rise to discernible effects. All of the 'other development' considered should be documented and the reasons for inclusion or exclusion should be clearly stated.

3.2.7 **Temporal scope:** The applicant may wish to consider the relative construction, operation and decommissioning programmes of the 'other development' identified in the ZOI with the NSIP programme, to establish whether there is overlap and any potential for interaction.

3.2.8 **Scale and nature of development:** The applicant may wish to consider whether the scale and nature of the developments identified in the ZOI are likely to interact with the proposed NSIP and to result in a cumulative effect. Statutory definitions of major development and EIA screening thresholds may be of assistance when considering issues of scale.

3.2.9 **Other factors:** The applicant should consider whether there are any other factors, such as the nature and/or capacity of the receiving environment that would make a significant cumulative effect with 'other development' more or less likely and may consider a source-pathway-receptor approach to inform the assessment.

3.2.10 **Documentation:** The CEA shortlisting process may be documented using Matrix 1 (**Appendix 1**). The reasons for excluding any development from further consideration should be clearly recorded. This will provide decision makers, consultees and members of the public with a clear record of 'other development' considered and the applicant's decision making process with respect to the need for further assessment.



3.2.11 Where the applicant has identified 'other development' with the potential to give rise to a significant cumulative effect, the applicant should proceed to Stage 3 – Information Gathering. The applicant should consult on the shortlist of developments for assessment with the relevant planning authorities, statutory consultees and any other relevant parties.

**Consultation** Applicants are strongly advised to take advantage of pre-application consultation with the relevant local planning authority(ies), statutory consultees and any other relevant organisations, to ensure that the list of 'other development' identified for CEA is comprehensive and accurate. Applicants should ideally use completed matrices to identify and discuss issues with consultees, including the relevant statutory consultees. Ultimately this approach should also assist with identifying a robust suite of mitigation measures submitted with the application for development consent that might otherwise remain unresolved and require exploration during the examination. This process may need to be repeated during the pre-application stage and should be based on the most up to date list of developments possible. The CEA should include a summary of any such consultations undertaken and evidence of any agreements reached.

### 3.3 Stage 3: Information Gathering

3.3.1 The applicant is expected to compile detailed information on the 'other development' shortlisted, to inform the Stage 4 assessment. The information captured should include but not be limited to:

- Proposed design and location information;
- Proposed programme of construction, operation and decommissioning; and
- Environmental assessments that set out baseline data and effects arising from the 'other development'.

3.3.2 The relevant data is likely to be sourced from the website of relevant local planning authority(ies), the Planning Inspectorate's website and potentially through direct liaison with other stakeholders including other local authorities, statutory bodies and relevant applicants/developers. Key details from the information gathered should be captured, for example within Matrix 2 (**Appendix 2**) for inclusion in the ES.

### 3.4 Stage 4: Assessment

3.4.1 The applicant should assess the cumulative effects of the proposed NSIP with the 'other development' identified in Stages 1-3 of the process outlined above. As highlighted above, there may be some overlap and iteration between the various stages of the CEA.

3.4.2 The assessment should be undertaken to an appropriate level of detail, commensurate with the information available at the time of assessment. Information on some proposals may be limited and such gaps should be acknowledged within the assessment, moving from a more quantitative to a more qualitative assessment as the availability and/or certainty of information decreases. The uncertainty in such assessments should be clearly documented.

3.4.3 An assessment should be provided for all Tier 1 and Tier 2 'other development', where possible. For 'other development' falling into Tier 3, the applicant should seek to provide assessment where possible, although this may be at a very high level. The assessment may be documented in Matrix 2 **Appendix 2**.

3.4.4 Certain assessments, such as transport and associated operational assessments for vehicular emissions (including air and noise) may inherently be cumulative assessments. This is because they may incorporate modelled traffic data growthed for future traffic flows. Where these assessments are comprehensive and worst case within the defined assessment parameters, no additional cumulative assessment of these topics is required<sup>10</sup>. Any such assumptions should



be clearly stated in the specialist topic chapter and CEA chapter. However, the assessment should be kept under review in the event that any new 'other development' is identified that has potential to exceed the previous worst case assumptions based on growthed data (e.g. not previously included in modelled forecasts). This may trigger the need to update previous modelling work.

3.4.5 In preparing the assessment, it should not be forgotten that a key purpose of EIA is to inform the examination and decision making process (its findings must be 'taken into consideration'<sup>11</sup>). Whilst applicants should make a genuine attempt to assess the effects arising from multiple, individually non-significant effects, the CEA should be proportionate and not be any longer than is necessary to identify and assess any likely significant cumulative effects that are material to the decision making process, rather than cataloguing every conceivable effect that might occur.

3.4.6 Where significant cumulative effects between the proposed NSIP and 'other development' are only likely to arise in relation to one environmental topic area, the assessment should focus on that issue only. Effects which have little or no significance for the proposed NSIP will need only very brief treatment to indicate that their possible relevance has been considered. A precautionary but pragmatic approach, based around the best available evidence, should be used where baseline data or data about the environmental effects of 'other development' are incomplete, although applicants should be able to demonstrate that they have attempted to source this data where relevant.

3.4.7 **Significance Criteria:** The significance criteria used to assess likely cumulative effects should consider the capacity of environmental resources and receptors to accommodate changes that are likely to occur. The terminology used to determine significance should be explicit and ensure a clear understanding of the outcome of the CEA.

3.4.8 Where specific criteria are developed for determining significance of cumulative effects, consideration needs to be given to the following:

- the duration of effect, i.e. will it be temporary or permanent;
- the extent of effect, e.g. the geographical area of an effect;
- the type of effect, e.g. whether additive (loss of 2 pieces of woodland of 1ha, resulting in 2ha cumulative woodland loss) or synergistic (two discharges combine to have an effect on a species not affected by discharges in isolation);
- the frequency of the effect;
- the 'value' and resilience of the receptor affected; and
- the likely success of mitigation.

3.4.9 **Assessment Cut-off Date:** It is understood that applicants are required to stop assessment work at a particular point in time in order to be able to finalise and submit an application. The applicant should state any assessment cut-off date. However, where new 'other development' comes forward following the stated assessment cut-off date, the Examining Authority may request additional information during the examination in relation to effects arising from such development. The applicant should be aware of the potential need to conduct further assessments to reduce delays and questions during examination.

3.4.10 **Mitigation:** The applicant should describe the measures proposed to mitigate significant adverse cumulative effects. This should be documented within Matrix 2 (**Appendix 2**). Where mitigation is proposed to be secured and delivered through a requirement in the draft DCO, or within a Construction Environmental Management Plan (CEMP),

10. Separate consideration may be required of the accumulation or inter-relationship of these effects on an individual set of receptors e.g. as part of a socio-economic assessment

11. Regulation 3(2) of the Infrastructure Planning (EIA) Regulations 2009 (as amended)



rather than embedded in the design of the NSIP, the draft requirement should be clearly identified in the mitigation column of the applicant's Matrix 2 and/or as part of an applicant's overarching schedule of mitigation.

3.4.11 As a minimum, applicants are expected to include the mitigation necessary to address impacts associated with their proposed NSIP. However, apportionment of effect and mitigation between the proposed NSIP and 'other development' included in the CEA may be acceptable in certain cases, subject to robust justification and agreement with the relevant statutory consultee and/or other applicant(s).

3.4.12 Where possible, applicants should consider opportunities to develop holistic mitigation strategies in collaboration with other developers identified in the CEA, for example, NPS EN-3 paragraph 2.6.120 advocates the use of shared cable corridors to minimise 'the cumulative effects of multiple cable routes ....crossing the subtidal zone'. The relevant method by which to secure such mitigation should be agreed by the applicant in consultation with their legal advisors and other relevant bodies.

#### Terms and abbreviations used in this Advice Note

Applicant	The party applying for development consent. Responsible for carrying out the necessary preparatory work in support of the application to enable the competent authority to carry out its duties
CEA	Cumulative Effects Assessment
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
GIS	Geographical Information Systems
NPPF	National Planning Policy Framework
NPS	National Policy Statement(s)
NSIP	Nationally Significant Infrastructure Project(s)
ZOI	Zone of Influence

#### Further information

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