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INTRODUCTION

When undertaking EIAs and preparing an ES, it is conventional practice to carry out a review of relevant planning policy. This is not an express requirement of the EIA Regulations, but the exercise acts as a useful checklist in terms of environmental topics considered in the EIA, and allows the conclusions reached by the EIA/ES to be assessed against planning policy objectives and requirements.

- 5.1 Policies in the Development Plan will conventionally seek to safeguard environmental interests, and will aim to resist developments which are likely to give rise to significant adverse environmental and amenity effects.
- 5.2 This chapter will set out the context of the main national and local planning policies relevant to the development at Penrhyn. Chapter 4 within the Planning Statement (Volume 1) provides an assessment of how the proposed development complies with the relevant policies in the Development Plan.

LEGAL BACKGROUND

- 5.3 Schedule 4 to the EIA Regulations does not make any specific reference to the inclusion of an assessment of planning policy. However, Chapter 6 of the former DTLR Good Practice Guide on the preparation of an ES included a section on ‘Policies and Plans’. Paragraph 6.1 stated that “An ES should include a section on policies and plans which are relevant to the environmental assessment of the development in question”. The objective of this is to “demonstrate how these policy guidelines have been taken into account in developing the project and compiling the ES, and to provide a picture of the decision-making context in which the environmental impacts will be evaluated.”
- 5.4 It can be seen that there is some ambiguity between the Regulations and the guidance provided by the Government. However, it is clear from the published guidance that the Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Accordingly, policies and plans play an important role in determining any planning applications. Therefore, in the spirit of the guidance, this chapter provides an overview of the policies that have been considered in undertaking the EIA.

NATIONAL POLICY

General

- 5.5 At a National Welsh Government level, the key planning policy and technical guidance/advice documents comprise:
- Planning Policy Wales (PPW) Edition 11, February 2021;

- Minerals Technical Advice Note 1: Aggregates (MTAN1), March 2004

5.6 PPW is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales. PPW, the TANs, MTANs and policy clarification letters comprise national planning policy.

Planning Policy Wales (PPW) 2021

5.7 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

5.8 At the heart of PPW (as with previous editions) is the concept of sustainable development. PPW defines sustainable development as:

“... the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”.

5.9 From this, it can be seen that well-being is a key component to sustainable development, alongside economic, social and environmental considerations; PPW refers to the “*Well-being of Future Generations*” and in particular seven well-being goals. These goals are:

- a prosperous Wales;
- a resilient Wales;
- a healthier Wales;
- a more equal Wales;
- a Wales of cohesive communities;
- a Wales of vibrant culture and thriving Welsh language;
- a globally responsible Wales;

5.10 PPW is divided into five key chapters covering People and Places; Strategic and Spatial Choices; Active and Social Places; Productive and Enterprising Places; Distinctive and Natural Places. In relation to the development proposals and this EIA it is the second and final two chapters that are most relevant.

- 5.11 In relation to minerals, Section 5.14 of PPW is relevant. Paragraph 5.14 opens by stating “*Society needs, and will continue to need for the foreseeable future, a wide range of minerals*”. It adds at paragraph 5.14.2 that “*the role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment*”. The key principles are to:
- provide positively for the safeguarding and working of mineral resources to meet society’s needs now and in the future, encouraging the efficient and appropriate use of high quality materials;
 - protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
 - reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits;
 - achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.
- 5.12 Paragraph 5.14.4 recognises that mineral working is different from other forms of development in that:
- extraction can only take place where the mineral is found to occur;
 - it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time; and
 - when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.
- 5.13 In terms of the efficient use of minerals paragraph 5.14.6 recognises that in some exceptional cases, planning permission may have been granted because of UK or regional need for the mineral in areas which would not normally be suitable for mineral extraction because of environmental or policy objections. Where this is the case, it is essential that the mineral is not exploited for a lower grade purpose than that originally intended. Where it is an exception to normal policy to allow mineral extraction at a particular location in order to fulfil a specific need, appropriate conditions and/or time limits should be considered carefully to ensure that the mineral extraction for the intended end-use is adequately controlled.

5.14 Paragraphs 5.14.47 and 48 consider extensions to mineral workings, whether they be time, lateral or depth. In the first place it comments that extensions to existing mineral workings should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits. It goes on to add that the presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.

5.15 In terms of the general (non-mineral) related policy in PPW, Chapter 2 addresses *“People and Places: Achieving well-being through placemaking”*. Whilst it is oriented towards built development and settlements, parts are relevant to developments such as that proposed at Penrhyn. At paragraph 2.3 it states, *“The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly”*. It then defines placemaking as being:

“a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well being in the widest sense.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.”

5.16 Figure 4 (p.17) sets out the ‘Key Planning Principles’, with paragraph 2.20 recognising that not every development or policy proposal will be able to demonstrate they can meet all of the outcomes. The Key Planning Principles’ are:

- Growing our economy in a sustainable manner;
- Making best use of resources;
- Facilitating accessible and healthy environments;
- Creating and sustaining communities;
- Maximising environmental protection and limiting environmental impact.

5.17 In Chapter 3 (*“Strategic and Spatial Choices”*) the concept of good design is considered. At paragraph 3.3 PPW states that good design is *“fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places”* Figure 8 then illustrates the objectives of good design, identifying access; character; community safety; environmental sustainability; and movement. Again, environmental aspects are recognised as being a key component of national policy. Under the heading of ‘Placemaking in Rural areas’, paragraph 3.38 recognises *“the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in*

contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors". This provides the well-established balance of economic benefits and environmental protection.

5.18 Chapter 5 covers the economic components of placemaking; *"Productive and Enterprising Places"* are those which promote economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development. Key issues in this chapter include:

- ensuring that there is sufficient employment land to meet the needs and requirements of a range of future employment scenarios;
- promoting and diversifying the rural economy;
- ensuring that minerals resources which may be needed in the future are safeguarded and the adequate supply of a diverse range of minerals is available over the long term.

5.19 It goes on to add *"The policy topics of the Productive and Enterprising Places theme can collectively work together to create sustainable places through development plan strategies, policies and allocations and development management decision making. In particular*

... recognising the economic contribution of minerals in the provision of economic infrastructure"

5.20 Finally, Chapter 6 addresses *'Distinctive and Natural Places'*. In so doing it touches on many facets of the environment, covering the *"historic environment, landscape, biodiversity and habitats, coastal characteristics, air quality, soundscape, water services, flooding and other environmental (surface and sub-surface) risks"*. It recognises that the special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These aspects are considered further under the heading *'Protection of the Environment'*.

Minerals Technical Advice Note 1: Aggregates March 2004 (MTAN1)

5.21 Although slate is not an aggregate *per se*, slate waste is utilised as an aggregate substitute and as such is discussed in MTAN1.

Reducing the Effects of Mineral Operations

5.22 MTAN1 sets out detailed advice on the mechanisms for delivering the policies of MPPW (which has now been replaced by the latest edition of PPW). Of particular relevance is 'Section C', which deals with the objective 'to reduce the impact of aggregates production'. MTAN 1 outlines a number of measures to fulfil that principle, including the establishment of buffer zones, control of dust, blast vibration, noise, visual impact, undertaking environmental audits, and the establishment of community liaison. Not all of these are relevant to the proposals contained in

this application. Aspects that are of particular relevance to Penrhyn Quarry are considered later in this chapter under the heading 'Protection of the Environment'.

- 5.23 MTAN1 advocates the undertaking of environmental audits of quarries to assess the performance of the operation against set environmental objectives (para 95).
- 5.24 Finally, MTAN1 advocates liaison with local communities as a means of providing a better understanding of the impacts of quarrying, and it notes that many quarries have established site liaison groups to provide a forum for regular discussion and explanation of current problems (ref para 96).

Restoration

- 5.25 MTAN1 places considerable emphasis on the need to achieve high standards of restoration and aftercare, and to provide for a beneficial after use. This is to be secured by careful attention to restoration design, and specific advice is provided on the key topics to be considered when drawing up reclamation conditions (ref para 111, Box 2).
- 5.26 MTAN1 also emphasises the need for aftercare conditions to be imposed to ensure the successful implementation of the restoration scheme, where such conditions can either specify the steps to be taken via the planning condition, or require an aftercare scheme to be submitted to the minerals planning authority for approval.
- 5.27 MTAN1 thus provides a useful checklist of issues to be considered as part of the objective to reduce the impact of aggregate extraction. Each environmental issue has been addressed in this ES, and the recommended criterion levels set out in MTAN1, together with the wider advice relating to planning conditions, is fully reflected in the schedule of conditions now proposed by the applicant.

THE DEVELOPMENT PLAN

Anglesey and Gwynedd Joint Local Development Plan

- 5.28 The Anglesey and Gwynedd Joint Local Development Plan (LDP) was adopted on 31 July 2017. The LDP is a land use development strategy for a period of 15 years which concentrates on sustainable development. It will aim to achieve the following:
- Guide the development of housing, retail, employment and other uses;
 - Include policies which will aid the Local Planning Authority's decision with regard to planning applications;
 - Protect areas to ensure the maintenance and enrichment of the natural and built environment.

- 5.29 The LDP contains a number of Strategic Policies and general policies which are grouped by topic area. As the LDP covers all forms of development not all of the policies are relevant. Of note are the following.
- 5.30 **Strategic Policy PS:1** considers the Welsh language and culture indicating that The Councils will promote and support the use of the Welsh language in the Plan area. It then sets out how the policy will be achieved, referring to the need for Welsh Language Statement or Assessment. **Strategic Policy PS:2** then touches of infrastructure and the need to ensure that sufficient essential infrastructure is in place/available.
- 5.31 Under the heading of sustainable living, **Strategic Policy PS:5** considers sustainable development. In the main it is focussed on built forms of development, but the spirit can be applied to the proposals at Penrhyn Quarry. The policy sets out eight issues that all developments should take into account and a further five that may be applicable. The eight factors to consider are:
- 1) Alleviate the causes of climate change and adapting to those impacts that are unavoidable in accordance with Strategic Policy PS 6;
 - 2) Give priority to effective use of land and infrastructure, prioritizing wherever possible the reuse of previously developed land and buildings within the development boundaries of Sub Regional Centre, Urban and Local Service Centres, Villages or in the most appropriate places outside them in accordance with Strategic Policy PS 17, PS 13 and PS 14;
 - 3) Promote greater self-containment of Centres and Villages by contributing to balanced communities that are supported by sufficient services; cultural, arts, sporting and entertainment activities; a varied range of employment opportunities; physical and social infrastructure; and a choice of modes of travel;
 - 4) Protect, support and promote the use of the Welsh language in accordance with Strategic Policy PS 1;
 - 5) Preserve and enhance the quality of the built and historic environment assets (including their setting), improving the understanding, appreciation of their social and economic contribution and sustainable use of them in accordance with Strategic Policy PS 20;
 - 6) Protect and improve the quality of the natural environment, its landscapes and biodiversity assets, including understanding and appreciating them for the social and economic contribution they make in accordance with Strategic Policy PS 19;
 - 7) Reduce the effect on local resources, avoiding pollution and incorporating sustainable building principles in order to contribute to energy conservation and efficiency; using renewable energy; reducing / recycling waste; using materials from sustainable sources; and protecting soil quality;
 - 8) Reduce the amount of water used and wasted; reducing the effect on water resources and quality; managing flood risk and maximizing use of sustainable drainage schemes; and progressing the objectives of the Western Wales River Basin Water Management Plan.
- 5.32 **Policy PCYFF 2** sets out development criteria indicating that proposals should *inter alia* make efficient use of land; include appropriate provision for the appropriate management and eradication of invasive species. The policy then indicates that planning permission will be refused where development would have an unacceptable adverse impact on:

- The health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance.

5.33 **Policy PYCFF 3** sets out the requirements for design and shaping, indicating that *“all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Innovative and energy efficient design will be particularly encouraged”*. The policy then sets out ten considerations which may need to be taken into account. Of these the following are noted:

- It respects the context of the site and its place within the local landscape, including its impact on important principal gateways into Gwynedd or into Anglesey, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges (2); and
- Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution. (6)

5.34 In a similar fashion, **Policy PCYFF 4** considers design and landscaping indicating that all proposals should integrate into their surroundings. It goes on to add that *“proposals that fail to show (in a manner appropriate to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design proposal will be refused”*. The policy then provides ten aspects that, where relevant, should be address, including *inter alia* consideration of Landscape Character Area Assessments; natural contours and views, as well as choice of species for planting.

5.35 Minerals are addressed at paragraphs 6.5.64 to 6.5.88 of the LDP, together with Strategic Policy PS 22 and policies MWYN 1 to MWYN 9.

5.36 **Strategic Policy PS 22** indicates that the council will contribute to regional and local demand for a continuous supply of minerals in accordance with the key objectives and principles of sustainable development. It then sets out ten ways this will be achieved. This includes:

- Acknowledge that where the principles of sustainable development can be achieved, the extension of existing quarries and/or new quarries is likely to be appropriate;
- Ensuring good restoration and aftercare;
- Minimising potential conflict between mineral and non-mineral land uses.

5.37 **Policy MWYN 3** then provides the framework for mineral developments indicating that extensions to existing operations will be granted to maintain the Plan area’s landbank of aggregates, or to meet a demonstrated need for other minerals provided the following criteria are met:

1. There is no unacceptable harm to the amenity or health of local residents in terms of visual impact, levels of dust, noise, vibration, and light as a result of the operation itself or the resulting traffic movements;
2. There is a suitable buffer between mineral development and sensitive development;
3. There is no unacceptable harm to the stability and support of adjacent land;
4. The development is sensitively screened and landscaped;
5. The development will not have a significant adverse impact on sites of international, national, regional or local environmental, nature conservation, landscape and /or heritage importance;
6. The proposal does not sterilize or otherwise prevent the working of other significant mineral deposits;
7. There is no unacceptable harm to land drainage groundwater and water resources;
8. The proposal ensures that the potential use of the resource is maximised and there is satisfactory disposal of any waste arising from the mineral operation;
9. Where blasting is proposed, the proposal includes a scheme of blasting to demonstrate that it can be controlled to meet the conditions detailed in Mineral Technical Advice Note MTAN (Wales) 1: Aggregates, or any amendments;
10. The proposal includes a scheme for the after use of the site and details of the restoration and aftercare required to achieve it in accordance with Policy MWYN 9;
11. Wherever economically feasible, mineral waste or products should be transported by rail or water.

5.38 Finally, **Policy MWYN 9** addresses restoration and aftercare, requiring the submission of a suitable restoration scheme.

Supplementary Planning Guidance

Planning and the Welsh Language – Supplementary Planning Guidance (SPG)

5.39 The Welsh Language SPG has the following aims:

- *raising awareness amongst prospective developers of the need to fully consider the links between development and the character of communities;*
- *identify development proposals that will at the outset maintain or enrich the social, linguistic and cultural patterns of communities;*
- *identify development proposals that can be modified as a result of discussions to ones that maintain or enrich the social, linguistic and cultural pattern of communities; and*
- *identify exceptions where the evidence shows that there is no opportunity to modify the proposal in a manner that will reduce the impact on the social, linguistic and cultural pattern of the community and that there are justifiable reasons for recommending the planning application's refusal.*

PROTECTION OF THE ENVIRONMENT

Landscape

- 5.40 At the national level Paragraph 5.14.36 of PPW (when considering protecting special characteristics and qualities of places mentions in the context of minerals *“Development adjacent or close to these [sensitive] areas may have a significant detrimental effect on their special qualities. Minerals development proposed adjacent or close to a National Park or AONB that might affect the setting of these areas, should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact”*).
- 5.41 Overarching policy for protecting landscape is set out in Section 6.3 of PPW. At paragraph 6.3.3, PPW states *“All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places”*. It adds that:
- Wales contributes to meeting international responsibilities and obligations for landscapes;
 - statutorily designated sites are properly protected and managed;
 - that the value of all landscapes for their distinctive character and special qualities is protected; and
 - the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.
- 5.42 MTAN1 highlights the fact that hard rock quarries physically alter the ground surface through the development of faces and benches, and these landscape changes are often irreversible. It goes on to add that other operations related to quarrying may have an impact on the landscape, including the historic landscape: quarry tips; aggregates storage areas; screening mounds; settlement ponds; processing plant; roads and buildings. It advises that proposals for new aggregates extraction or extensions to existing sites should be assessed carefully to determine the potential impact on the character of the landscape. The assessment should also facilitate a comprehensive understanding of the visual impact of a development from various locations which will assist in devising an appropriate layout and phasing, and the most appropriate restoration strategy (paras 89 and 90).
- 5.43 MTAN1 sets out advice for national landscape designations, with no guidance for local designations or the landscape as a whole.
- 5.44 Relevant policies at the local level include **Strategic Policy PS 19** *“Conserving and where appropriate enhancing the natural environment”*; **Policy AMG 2** (*“Special Landscape Areas”*); and

Policy AMG 3 (*“Protecting and enhancing features and qualities that are distinctive to the local landscape character ”*).

5.45 Firstly, **Strategic Policy PS 19**, which is an overarching policy addressing ecology landscape and heritage, states that:

“The Councils will manage development so as to conserve and where appropriate enhance the Plan area’s distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question. ...”. It goes on to provide eight matters that need to be addressed, including

- Safeguard the Plan area’s ... landscapes;
- Protect or where appropriate enhance sites of international, national, regional and local importance and, where appropriate, their settings in line with National Policy;
- Have appropriate regard to the relative significance of international, national or local designations in considering the weight to be attached to acknowledged interests, ensuring that any international or national responsibilities and obligations are fully met in accordance with National Policy;
- Protect, retain or enhance the local character and distinctiveness of the individual Landscape Character Areas.

5.46 **Policy AMG 2** seeks to protect the Special landscape areas indicating that *when considering a proposal within Special Landscape Areas (SLA), there will be a need to appropriate consideration to the scale and nature of the development ensuring that there is no significant adverse detrimental impact on the landscape. The development should aim to maintain, enhance or restore the recognised character and qualities of the SLA.* **Policy AMG3** adds *“Proposals that would have significant adverse impact upon landscape character as defined by the Landscape Character Areas included within the current Landscape Strategy for the relevant authority, must demonstrate through a landscape assessment how landscape character has influenced the design, scale, nature and site selection of the development”* .

A proposal will be granted provided it doesn’t have significant adverse impact upon features and qualities which are unique to the local landscape in terms of visual, historic, geological, ecological or cultural aspects.

5.47 Chapter 6 of this ES assesses the potential visual and landscape impacts of the proposed development, building upon earlier assessments undertaken as part of the Environment Act 1995 Review process.

Ecology

- 5.48 Paragraph 5.14.37 of PPW, in the context of minerals, indicates that *“Minerals proposals within or likely to significantly affect Sites of Special Scientific Interest and National Nature Reserves, potential and classified Special Protection Areas, designated, candidate or proposed Special Areas of Conservation or Ramsar sites must be carefully examined. If the proposal would adversely affect the integrity of the site, taking into account advice from NRW, and conditions would not remove this effect, planning permission should not be granted, unless alternative supplies cannot be made available at reasonable cost, there is no scope for meeting the need in some other way and regard has been paid to considerations such as the need for the development in terms of UK mineral supply and the impact on the local economy of permitting the development or refusing it. Minerals development in non-statutory nature conservation sites should be carefully assessed to determine whether the environmental and amenity impact is acceptable or not relative to the benefits to be gained from mineral development”*.
- 5.49 Section 6.4 (Biodiversity and Networks) also provides overarching policy aimed at protecting the natural environment. At paragraph 6.4.3 it states that the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It adds that development proposals must consider the need to:
- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
 - ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
 - ensure statutorily and non-statutorily designated sites are properly protected and managed;
 - safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
 - secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.
- 5.50 Paragraphs 54 to 61 of MTAN1 address international ecological designations (54-56), national designations (57-58) and European protected species (59-61); there is no guidance for locally important sites or habitats. However, paragraphs 26 to 29 of MPPW provide guidance for local interests.
- 5.51 Allied to this, detailed guidance is provided in TAN 5: *“Nature Conservation and Planning”* (1996). TAN 5 provides advice on the processes that Local Authorities are required to follow to ensure the protection of designated nature conservation sites and conservation of the natural environment.

- 5.52 Relevant policies in the LDP include **Strategic Policy PS 19** “*Conserving and where appropriate enhancing the natural environment*”; **Policy AMG 5** (“*Local biodiversity conservation*”); **Policy AMG 6** (“*Protecting sites of regional or local significance*”).
- 5.53 **Strategic Policy PS 19** , as noted above is an overarching policy, states that consideration needs to be given to :
- Safeguard the Plan area’s habitats and species;
 - Protect or where appropriate enhance sites of international, national, regional and local importance and, where appropriate, their settings in line with National Policy;
 - Have appropriate regard to the relative significance of international, national or local designations in considering the weight to be attached to acknowledged interests, ensuring that any international or national responsibilities and obligations are fully met in accordance with National Policy;
 - Protect or enhance biodiversity within the Plan area and enhance and/or restore networks of natural habitats in accordance with the Local Biodiversity Action Plans and Policy AMG 5;
 - Protect or enhance biodiversity through networks of green/ blue infrastructure;
 - Safeguard internationally, nationally and locally protected species;
- 5.54 **Policy AMG 5** indicated that Proposals must protect and, where appropriate, enhance biodiversity that has been identified as being important to the local area. In this respect, consideration is to be given to Avoiding significant harmful impacts through the sensitive location of development and opportunities to create, improve and manage wildlife habitats and natural landscape. The policy also adds that development affecting sites of local biodiversity importance will be refused unless they can conform with all of the following criteria
- That there are no other satisfactory alternative sites available for the development;
 - The need for the development outweighs the importance of the site for local nature conservation;
 - That appropriate mitigation or compensation measures are included as part of the proposal;
- 5.55 Finally **Policy AMG 6** indicates that “*proposals that are likely to cause direct or indirect significant harm to Local Nature Reserves (LNR), Wildlife Sites (WS) or regionally important geological / geomorphologic sites (RIGS) will be refused, unless it can be proven that there is an overriding social, environmental and/or economic need for the development, and that there is no other suitable site that would avoid having a detrimental impact on sites of local nature conservation value or local geological importance.*”
- 5.56 Chapter 7 of this ES assesses the potential ecological impacts of the proposed development.

Heritage

- 5.57 Paragraph 5.14.38 of PPW states in the context of minerals that *“Mineral proposals within the setting of a scheduled ancient monument (SAM) may have an impact on its significance and should be carefully considered. The impact of mineral extraction on a SAM and its setting should be considered and where impacts cannot be satisfactorily mitigated, planning permission refused unless there are exceptional circumstances.”*
- 5.58 Overarching national policy for protecting the historic environment is set out in Section 6.1 of PPW (*“The Historic Environment”*). The Assembly Government’s objectives in this field are to:
- protect the Outstanding Universal Value of the World Heritage Sites;
 - conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
 - safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
 - preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;
 - preserve the special interest of sites on the register of historic parks and gardens; and
 - protect areas on the register of historic landscapes in Wales.
- 5.59 MTAN1 also provides guidance concerning the preservation of the historic environment and mineral extraction at paragraphs 62 to 63. Essentially, the policy states that future proposals for aggregates extraction that would result in a significant adverse impact on the historic environment should not be considered favourably.
- 5.60 Relevant policies in the LDP include **Strategic Policy PS 20** (*“Preserving and where appropriate enhancing heritage assets”*); **Policy AT 1** (*“Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens”*); **Policy AT 3** (*“Locally or Regionally Significant Non-Designated Heritage Assets”*); and **Policy AT 4** (*“Protection of Non-Designated Archaeological Sites and their Setting”*).
- 5.61 **Strategic Policy PS 20** adds that in seeking to support the wider economic and social needs of the Plan area, the Local Planning Authority will preserve and where appropriate, enhance its unique heritage assets. Proposals that will preserve and where appropriate enhance the heritage assets, their setting and significant views into and out of the building/area will be granted. The policy then lists seven types of heritage assets, including Scheduled Monuments, listed buildings, conservation areas, candidate World Heritage Sites registered Historic Landscapes and Buildings of architectural/ historic/ cultural merit.
- 5.62 **Policy AT 1** addresses Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens; of these only World Heritage Sites are relevant. The policy

indicates that proposals within or affecting the setting and/ or significant views into and out of such designated areas must, where appropriate, have regard to the adopted Character Appraisals, Conservation Area Plans Delivery Strategies. and World Heritage Site Management Plans (as relevant). **Policy AT 3** then considers locally or regionally significant non-designated heritage assets indicating that *“Proposals will be required to conserve and seek opportunities to enhance buildings, structures and areas of locally or regionally significant non-designated heritage assets, which create a sense of local character, identity and variation across the Plan area”*. Finally, **Policy AT 4** provides protection for non-designated archaeological sites and their setting. It provides that:

“Proposals which may have a significant adverse impact on sites that are of potential national archaeological importance and their setting, or are of acknowledged local heritage importance, including sites of industrial archaeology that are not scheduled and their settings will:

- 1. Be assessed in terms of the intrinsic importance of the ‘site’ and the potential extent of harm.*
- 2. Require, where appropriate, either an archaeological assessments and/ or field evaluation by an archaeological body or a professionally qualified archaeologist in order to determine the archaeological impact of the proposed development before the Planning Authority determines the application.*

A proposal which affects locally important archaeological remains will only be granted if the need for the development overrides the significance of the archaeological remains. “

- 5.63 Chapter 8 of this ES assesses the potential impacts of the proposals may have on heritage features, including the recently designated World Heritage Site.

Water

- 5.64 PPW at paragraphs 5.14.39 and 40 state in the context of minerals:

“Planning authorities and the minerals industry should take into account the need to protect the quantity and quality of surface and groundwater 85 Guide Groundwater Protection Zones in England and Wales (NRA) 86 Environmental Geology in Land Use Planning (DETR – Symonds Travers Morgan), 1998 supplies85 86. Changes in the water table as a result of mineral extraction or the disposal of mineral wastes must not cause unacceptable impact or otherwise damage or adversely affect water resources or sources of water, in line with the principles contained in the Water Framework Directive. Such resources might be an integral part of sites of high landscape value or nature conservation importance, including protected habitats and species.

Changes in the water table may also cause significant geohazards such as the shrinkage of clay soils leading to subsidence or karstic collapse in limestone areas. The impact of changes to surface and groundwater are likely to require monitoring and require remedial measures to be introduced. Planning authorities must consult Natural Resources Wales on these complex issues and, where doubt exists, should adopt the precautionary principle in taking planning decisions on mineral development.”

- 5.65 Section 6.6 of PPW then provides more overarching policy and guidance. At paragraph 6.6.5 it states that the Welsh Government aims to secure the provision of water services whilst minimising adverse impacts on the environment, amenity, health and communities, in light of the consequences of climate change. It adds that the planning system should:
- protect and improve water resources by promoting and encouraging increased efficiency and demand management of water as part of new developments, particularly in those areas where water resources may be under pressure or may not be available;
 - ensure that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source;
 - ensure sustainable drainage systems are an integral part of design approaches for new development; and
 - ensure the protection of the quantity and quality of surface and ground water supplies is taken into account as part of development proposals.
- 5.66 There are no specific policies in the LDP aimed at safeguarding the water environment.
- 5.67 Chapter 9 of this ES assesses the potential impacts the proposed development may have on the water environment.

Amenity

- 5.68 PPW at paragraph 5.14.42 indicated that *“mineral workings should not cause unacceptable adverse environmental or amenity impact. Where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits. Any effects on local communities and the environment must be minimised to an acceptable standard.”*
- 5.69 Section 6.7 considers air quality and soundscape indicating at paragraph 6.7.1 that *“Clean air and an appropriate soundscape, contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system. Conversely, air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible”.*
- 5.70 MTAN1 notes that experience has shown that dust emissions can result from:
“Haulage, particularly on internal un-surfaces routes, on nearby roads which are not adequately wetted and if vehicles are un-sheeted; crushing and grading operations; blasting, including drilling operations prior to blasting; surface stripping, including soils and overburden storage; restoration operations” (para 72).
- 5.71 In relation to more general fugitive dust, MTAN1 notes that planning conditions can control certain activities to protect against dust emissions, although many of these are controlled under

the Environmental Protection Act 1990, and care should therefore be taken to avoid duplication of controls (para 76). However, it highlights a number of issues which might be controlled by planning conditions, including the imposition of speed restrictions within the quarry; sheeting of vehicles; the design of working programmes to locate dust emission sources away from sensitive developments; and the timing of soil handling and overburden stripping to suit weather conditions (para 77). These planning conditions could readily be applied to operations.

- 5.72 In terms of noise, MTAN1 emphasises that the effects of noise should be fully considered in formulating future proposals for aggregates extraction and noise impact must be minimised to acceptable levels (ref para 85).
- 5.73 Technical Advice Note 11: Noise (1997) provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs of administration burdens on businesses. TAN 11 focuses on noise generating development and requires that proposed development does not cause an unacceptable degree of disturbance. In the case of industrial development, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration.
- 5.74 At the local level, a number of overarching policies seek to protect the amenity of local communities. In particular **Policy MWYN 3** states that to be acceptable, proposals for mineral working should demonstrate that *“There is no unacceptable harm to the amenity or health of local residents in terms of visual impact, levels of dust, noise, vibration, and light as a result of the operation itself or the resulting traffic movements”*.
- 5.75 Chapters 10, 11, 12 and 13 of this ES assess the potential impacts associated with the proposed development on noise, air quality, vibration and wellbeing respectively.