

Cyfadran yr Amgylchedd Environment Directorate

Pennaeth Gwasanaeth (Cynllunio a Thrafnidiaeth)
Head of Service (Planning and Transportation)
Aled Davies

Gofynnwch am/Ask for: Dafydd Gareth Jones
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Ein Cyf / Our Ref: **6/RM/A57/DGJ**
Eich Cyf / Your Ref:

Mr John Leggett
Senior Consultant
Entec UK Ltd.
Windsor House
Gadbrook Business Centre
Gadbrook Road
Northwich
Cheshire CW9 7TN

5 October 2006

Dear Mr Leggett,

Town and Country Planning Act 1990.

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. SCREENING OPINION .

Excavation of Materials to Provide an Engineered Cell for the Landfill of Non-Hazardous Waste and Associated Restoration Works at Llwyn Isaf, Clynnog Fawr

I refer to your letter dated 27 September 2006 requesting a formal screening opinion under the Environmental Impact Assessment regulations for the development described above.

I have examined your letter and the information provided to prepare a Screening Opinion under Reg 5. Using the assessment criteria set out in Schedule 3 of the Regulations, I confirm that I am of the opinion that the scale and impact of the proposed works are such that an environmental impact assessment will be required. I attach a copy of the screening opinion which will be placed with the Planning Register at the Council's Offices in Pwllheli and Penrallt, Caernarfon.

Given the Council's opinion that environmental impact assessment will be required, it is advised that you formally request a scoping opinion in order to assess all of the elements to be covered in the Environmental Statement. My understanding following a recent meeting with your clients was that you would formally request a screening and scoping opinion from the Council. My advice is that your request for a scoping opinion should be in the form of a scoping report which provides detailed information about the nature of the development proposed. Such information should include the design details of the landfill cell given that hydrological implications and groundwater issues will be a key component of the EIA. This detail is essential as the input of the Environment Agency and CCW are required on the specific details of the proposal **prior** to the submission of a formal planning application.

I also note that your submission for a screening request does not include any detailed plans or supporting information relating to the depth of the proposed engineering operations nor groundwater levels or gradients. It is also unclear if the operations proposed to raise the level of the ground and whether the refuse will be treated or pulverised prior to landfill. I note that that the proposed cell would be capable of

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accepting 170,000m³ of non-hazardous waste at an input rate of approximately 50,000 tonnes per year. I would be grateful if you could confirm your conversion factor for the overall tonnage of waste, taking into account the compaction ratio for pre-treated waste taken to landfill. This information should be included in your scoping report.

I would strongly advise you to contact the Countryside Council for Wales and Environment Agency direct in the preparation of the Environmental Statement, given the potential detrimental effects of the landfill development on a European Special Area of Conservation. I enclose for your attention a copy of the Appropriate Assessment that was carried out in accordance with the 1994 Habitat regulations for the development of a composting facility at Llwyn Isaf. A similar assessment will be required for this proposal and will be one of the key planning considerations in assessing any planning application.

In addition, your screening request does not include any proposals for a dedicated haulage route to the site. I would advise you that the committee members have already stated their concerns regarding the suitability of the local road infrastructure to deal with 5,000 tonnes of kitchen and garden waste to be treated at the new composting plant at this site. It is unlikely that planning permission would be forthcoming for development involving the transport of 50,000 tonnes per annum of municipal using the existing road infrastructure as a means of haulage. Again, this information should be included in your scoping report.

I note that the proposed excavation works and therefore the resulting landfill cell will be in close proximity to Llwyngwnadl Isaf which is a residential property. Your screening request makes no reference to this property or any mitigation measures proposed. On the basis of the information you have provided the proposal would not be considered acceptable due to the potential adverse impact on the residential amenities of occupants of this property.

I would stress again that it is essential that you provide more detailed information regarding this proposal so that the Council as Local Planning Authority, the Environment Agency, CCW and any other relevant organization can provide a formal input so that any potential concerns can be addressed prior to the submission of a formal planning application.

If you need to discuss any issues relating to this proposal then please do not hesitate to contact me.

Yours sincerely,

Dafydd Gareth Jones
Swyddog Cynllunio (Mwynau a Gwastraff)
Planning Officer (Minerals and Waste)

Encl.

SCREENING OPINION

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

Excavation of Materials to Provide an Engineered Cell for the Landfill of Non-Hazardous Waste and Associated Restoration Works at Llwyn Isaf, Clynnog Fawr

Introduction

Gwynedd Council are minded to carry out development of a Landfill Cell at the above site to dispose of 50,000 tonnes per annum of non-hazardous, local municipal waste. The proposal also involves the extraction of 100,000m³ of sand and gravel as engineering works to prepare the site as a landfill cell.

Need for environmental impact assessment.

Schedule 1-

The proposal is not of a class of development [specifically para. 9. – Incineration, Chemical Treatment or landfill of hazardous waste and para. 10 – Incineration & Chemical Treatment of non-hazardous with a capacity exceeding 100 tonnes per day] described in Schedule 1. Therefore, the submission of an environmental statement is not a statutory requirement.

For the extractive operations required to prepare the site for an engineered landfill cell, the Waste planning authority considers that the proposed development does not fall within the description set out in paragraph 19 of Schedule 1 in so far as the area of the development is below the area threshold of 25 Ha. set out in paragraph 19.

Schedule 2-

Is development of a description **and** within “**applicable thresholds and criteria**” set out in schedule 2?- note paragraphs;

11. Other projects

- (b) “Installations for the disposal of waste..”
- (ii) the area of the development exceeds 0.5 hectare;”

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

“ The likelihood of significant effects will generally depend on the scale of the development and nature of potential impact in terms of discharges, emissions or odour. For installations (including landfill sites) for the deposit, recovery and/or disposal of household, industrial and/or commercial wastes (as defined by the Controlled Waste Regulations 1992) EIA is more likely to be required where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 Ha. Or more. Sites taking smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc) or Civic Amenity sites are unlikely to require EIA.”

The development at Llwyn Isaf exceeds the 0.5ha threshold and proposes an input rate of approximately 50,000 tonnes of non-hazardous municipal waste per year.

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Paragraph 2.

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

Threshold;

“All development

The development itself does not fall directly within the description of development set out in paragraph 2, namely “Quarries, open-cast mining and peat extraction”. However, it is closely associated with the “Extractive industry” and would be undertaken as a direct result of sand and gravel extraction in connection with engineering operations to prepare the site as a landfill cell. It is considered that the threshold “All development

The development in terms its character is covered by “Extractive Industry” and further justification of this is provided in Annex A of Circular 11/99 Para. A.7 which states:

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

I do not concur with the criteria stated in the screening request that, “.... the proposal is expected to retrieve approximately 100,000m³ or 30,000 tonnes in two distinct phases within 36 months....” Given a conservative conversion factor of 1.5 for unprocessed sand and gravel, it is likely that extractive operations to remove 100,000m³ of material will yield in excess of 150,000 tonnes of soils, overburden and ‘as-dug’ sand and gravel.

It is reasonable to assume therefore that the operations will need to dispose of 150,000 tonnes in two distinct phases within a three-year period which exceeds the threshold provided in Annex A of Circular 11/99 Para. A.7.

Assessment

The proposal for a landfill cell at Llwyn Isaf, and associated engineering works and extractive operations is therefore of a category of development under Schedule 2, Para 2. & Para. 11 of the EIA Regs. 1999 (as amended), which may require an environmental impact assessment subject to;

SCHEDULE. 3 - SELECTION CRITERIA FOR SCREENING SCHEDULE 2 DEVELOPMENT

Screening of the development in accordance with Schedule 3 – (Criteria for screening Schedule 2 development):

1. Characteristics of development;

(a) Size	medium, 2.8ha
(b) Cumulation	high (existing activities on site), nearby sand & gravel extraction and processing operations
(c) Use of resources	significant, 100,000m ³ of sand and gravel to be removed, groundwater & hydrological implications
(d) Waste	imported non-hazardous waste, leachate & gas emissions
(e) Pollution/nuisances	high
(f) Risk of accidents	limited

SCREENING OPINION

2. Environment sensitivity of location;

(a) Existing land use	restored landfill site & in-vessel composting and waste transfer facility
(b) Abundance, quality and regenerative capacity	subject to restoration proposals, capping, leachate / gas emissions control
(c) Absorption capacity of natural environment;	
i wetlands	SAC and SSSI 147m south
ii coastal	n.a.
iii mountain/forest	n.a.
iv nature reserves/parks	none
v designated sites	none within site (SAC 147m south, AONB adjoins Northern boundary of the landholding)
vi EC env. quality standards exceeded	n.a.
vii densely populated area	no.
viii historical, cultural, archl significance	n.a.

3. Characteristics of potential impact;

(a) Geographical extent	medium
(b) Transfrontier	minimal
(c) Magnitude & complexity	significant & complex
(d) Probability of impact	significant
(e) Duration, frequency & reversibility	Life dependent landfill capacity & input rates. Reversibility subject to restoration proposals, capping, leachate/gas emissions control & groundwater implications.

Conclusion

This development is screened having regard to developments covered under Schedule 2, Para 2. & Para. 11 of the EIA Regs.1999 (as amended).

Having assessed the likely impact of the development proposals on the environment using the criteria in Schedule 3 set out above, the proposed development proposals, I can confirm that the planning application is required to be accompanied by an environmental statement.

October 2006

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Eich Cyf / Your Ref: 18846/jl/n001

Mr John Leggett
Senior Consultant
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2 February 2007

Dear Mr Leggett,

**Request for a Scoping Opinion - Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
Engineering Operations Involving the Winning and Working of Minerals, Provision of a New Vehicular Access and Creation of a Landfill Cell for the Disposal of Non-Hazardous Waste
Llwyn Isaf, Clynnogfawr, Caernarfon**

I refer to my letter of 2 January 2007 in respect of the above.

I confirm that the information contained in your letter and scoping report dated 19 December 2006 covers the main effects of the proposed development and the environmental assessment should therefore focus on the following topics;

- Ecology and Nature Conservation
- Landscape and Visual Impact
- Archaeology and Cultural Heritage
- Noise
- Geology & Hydrogeology
- Hydrology, Water Quality & Drainage
- Traffic & Transport
- Air Quality (Dust & Odour)
- Construction Impacts

In respect of the preferred viewpoints for the visual impact assessment, I note that you consider the impact of the development, including operations involving the removal of sand and gravel, is likely to be of greater significance within a radius of 2Km and the Zone of Visual Influence should therefore include a selection of viewpoints as outlined in Table 1 of your report. The assessment however should include an appraisal of the visual impact of the development on views into and out of the adjacent AONB and the Snowdonia National Park and I would consider it appropriate therefore that a selection of viewpoints and photomontages within a radius of 3Km to be a sufficient appraisal for the purposes of the EIA. The

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assessment should include an appraisal of the site as existing, during progressive stages of construction & landfill operations and as a final landform.

Based on the information submitted in your report, it is considered that the creation of a landfill cell for the disposal of non-hazardous waste could have a significant effect on the features of the adjacent SAC. As competent authority, Cyngor Gwynedd therefore considers the proposal to require an appropriate Assessment in accordance with regulations 48 & 49 of the Conservation (Natural Habitats, & c.) Regulations 1994.

I enclose for your attention a copy of the appropriate assessment for the composting facility at Llwyn Isaf which was granted planning permission in 2006. The Countryside Council for Wales formally agreed to the competent authority's conclusions that the proposal for a composting facility would not adversely affect the integrity of the SAC. This assessment should therefore provide the matrix for the specific fields and information to be provided for Cyngor Gwynedd as competent authority, to prepare an appropriate assessment for the landfill proposal at Llwyn Isaf.

I also enclose for your information, copies of responses from those organisations consulted on the scope of the Environmental Statement. 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. The following provides a summary of the key points raised on the scope of the EIA.

Cyngor Gwynedd Highways: –

- Concern regarding possible increase in traffic volumes from the Clynnog direction. Confirm the envisaged traffic flow over and above the existing.

Cyngor Gwynedd Public Protection

I have yet to receive any written comments or observations from our Public Protection Department, although a brief discussion with the area environmental health officer on the scope of the EIA concluded that the property of Llwyngwnadl Isaf should be considered as the nearest sensitive receptor for the effects of noise, dust & odour. I note that your report comments that the potential for dust emission and dispersal is also influenced by prevailing meteorological conditions and that receptors are only considered to be at risk of dust nuisance if they are downwind of a significant dust generating source. Given the meteorological conditions and above average rainfall the report considers receptors located 680-700m to the northeast of the site to be at most risk of encountering dust nuisance.

The assessment should take account of the effects of noise, dust & odour during periods of excessively dry weather (e.g. Summer 2006) or instances where the prevailing wind conditions do not apply. The following properties may be considered as sensitive receptors in this respect;

- Bryn Ifan 900m northwest of the site,
- Bwthyn Graianog, Graianog Farm & Cefn Graianog 650 – 700m northeast of the site,
- Llwyngwnadl Uchaf 430m south of the site,
- Cors y Wlad 730m southwest of the site,
- Buarthau 660m southwest of the site.

I would therefore request that you review that part of the report which infers that the potential for dust nuisance resulting from activities such as land clearing, ground excavation and materials handling is low.

The respective chapters of the Environmental Statement relating to noise, dust & odour should take full account of the different aspects of the development including site preparation works, construction of a haul road & mineral extraction, the transport of land won material to Cefn Graianog Quarry for processing and waste disposal operations including transport implications of refuse haulage.

For any technical aspects, I would advise you to contact Mr Tim Hughes, Gwynedd Council Public Protection Manager at the area office, Ford y Cob, Pwllheli (Tel; 01758 704 020).

Environment Agency: -

- Include an Appropriate Assessment of the impact of the development in relation to the adjacent Eifionydd Fens SAC/Cors Gyfelog SSSI.
- Afon Desach & Afon Dwyfach important spawning rivers for salmon, sea trout, brown trout lamprey & eels. Require assurance that there would be no risk of increased siltation derived from minerals operations.
- Reassurance that Fresh Water Pearl Mussel in the Afon Dwyfach will not be affected by the proposal.
- Requirements of Waste Management Regs 1994 –
 - Sufficient information to ascertain whether or not the position statement in RGN 3 applies,
 - Sufficient information to ascertain whether impacts on groundwater from the proposal could adversely affect the integrity of the European Site,

As per the guidance in RGN 3, The EA requires the EIA to contain;

- Sufficient information to address all significant environmental risks, whether short, medium or long-term,
- Operational requirements to include, outline design of the proposed landfill engineering, leachate collection & other active site management,
- Tiered risk assessment on major elements of design, construction and operation,
- Assessment tools will include site investigations, local mapping etc, risk assessment guidance and quantitative calculations using conservative input parameters and assumptions,
- Specific consideration to the component of groundwater flow to the south east of the site as suggested on Drawing No. 18846-S12.dwg).

Cyngor Gwynedd Biodiversity

SAC Features – Transition mires and quaking bogs, *Drepanocladus vernicosus* Slender green feathered-moss, *Euphydryas aurinia* Marsh fritillary butterfly. Important that the EIA provides Cyngor Gwynedd (the competent authority) with the requisite information to enable it to carry out an appropriate assessment under the Habitat Regs 1994, of any likely significant impacts of the development on listed features of the SAC and their attributes.

SAC Attributes – Water Levels, Water Quality (very low nutrients), Hydrology of Surrounding Land, Water pH, Vegetation and Structure.

- Clear and detailed information required on surface-water drainage, springs and ground-water flow for the current regime and projected scenario resulting from the landfill operations and associated infrastructure works.
- Assessment on the potential effect that the impermeable cell will have on the flow of ground-water to the SAC and potential loss of surface-water drainage into the wetland.
- EIA to provide bore hole data from areas outside the proposed cell site, specifically, areas to the east and south east of the proposed landfill and areas surrounding the SAC.
- Information to confirm the flow, drainage & treatment of rain & surface water entering the landfill cells during the operation of the site.
- Discharge of water derived from dust suppression systems.
- Topography of the completed landfill influencing changes to rain or surface water drainage resulting in a reduced flow to the SAC. Potential impact to be investigated.
- Structure & information relating to the cell liner including durability, proven effectiveness & its potential interaction and alteration to the ground-water chemistry.

- Any existing or proposed monitoring or research work on Cors Gyfelog to assess the impact of the existing capped landfill on the SAC to include evidence of possible leakage, changes in hydrology & water chemistry and alterations in vegetation.
- Procedures and effective treatment of potential leakage or spillages resulting in the delivery of waste material and/or breaches in the cell liner.
- Mitigation for Badgers within & around the site.

Cyngor Cefn Gwlad Cymru

Based on the information submitted, it is considered that the creation of a landfill cell for the disposal of non-hazardous waste may have a significant effect on the features of the adjacent SAC and the CCW therefore do consider that the proposal requires an appropriate Assessment in accordance with regulations 48 & 49 of the Conservation (Natural Habitats, & c.) Regulations 1994.

The scope of the EIA should therefore cover specific hydrological components, including;

- Cumulative effects of the proposal with other waste related development at Llwyn Isaf,
- Potential alteration of the hydrology of Cors Gyfelog and alteration of hydrology of adjacent land,
- Potential reduction in the amount of water entering Cors Gyfelog from reduced rainwater runoff,
- Potential reduction in groundwater flowing to the SAC,
- Any potential pollution and eutrophication (nutrient enrichment) of the water table and water flowing into Cors Gyfelog,
- Any potential decrease in water quality and potential alteration of water pH.

Gwynedd Archaeological Planning Service

- Llwyn Isaf lies in an area of high archaeological potential with a concentration of monuments located immediately adjacent to the proposed area of development.
- The design brief for the archaeological assessment of the EIA will need to be updated in that the planning application area is larger than first anticipated in your consultation with GAPS and that the proposed access road may have a direct impact on at least two known sites.

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

Yours sincerely,

Dafydd Gareth Jones
Swyddog Cynllunio (Mwynau a Gwastraff)
Planning Officer (Minerals and Waste)

Encl.

cc. Mr Gwyn Morris Jones, Pennaeth Gwasanaeth Piffyrdd a Bwrdeisdrefol, Swyddfa Pencadlys Cyngor Gwynedd, Caernarfon, Gwynedd