

9th June 2016

Norman Jones
Planning & Public Protection
Torfaen County Borough Council
Ty Blaen Torfaen
Panteg Way
New Inn
Pontypool
NP4 0LS

Our Ref: 404.0542.0002
Your Ref: 03/P/09336

Dear Norman

**RE: TIR PENTWYS
PLANNING APPLICATION REF: 03/P/09336**

I refer to your e mail dated 2nd June, and I am pleased to respond to the points raised as follows:

(i) Updated response from NRW: letter dated 29th April 2016.

We are pleased to note that NRW has now withdrawn its objection to the development subject to a number of requirements relating to protected species, the implementation of mitigation measures, and the imposition of a number of planning conditions which are recommended in the letter. The Applicants have no difficulty with the requirements relating to protected species and are fully aware of their separate legal obligations in terms of the need to obtain European Protected Species Licences (EPSL) where required. This has been acknowledged in the ecological reports which have been submitted, and re-iterated in the most recent Ecological Review. This also confirms the mitigation measures which are proposed (which are also set out in the 2012 Ecological Impact Assessment), and which can be required by planning condition, and, where appropriate, will be addressed via the separate EPSL regime. In essence, the requirements set out in the NRW letter have already been proposed via the Ecological Impact Assessments which have been submitted.

In terms of the planning conditions recommended by NRW, these appear to include a number of 'standard conditions' which are not necessarily fully relevant to the development, and which also include conditions which are likely to duplicate other conditions relating to phasing and landscaping etc. I would thus welcome the opportunity to review a draft schedule of conditions with you in the event that the Officers recommend that permission be granted for the development.

(ii) Implementation Programme.

The requirement for updated ecological studies to be undertaken in advance of commencement of works along the access road corridor and within the quarry area are acknowledged and proposed in the 2012 Supplementary ES and re-iterated in the March 2016 Ecological Update. For the avoidance of doubt we confirm that additional surveys will

be undertaken and an EPSL will be sought / obtained prior to the commencement of the geotechnical investigations / woodland felling along the access road corridor and in advance of commencement of operations in the quarry area. This will be a legal requirement quite separate to the planning permission. The timescale for this work will be dependent upon when the planning permission is issued, the timescale for receiving an EPSL, and the seasonal constraints for the surveys. The Applicants fully recognise this and the need for these issues to be discharged prior to the commencement of works associated with the geotechnical study and subsequent construction of the road.

As you note in your email, the results of the updated ecological surveys will inform the final ecological mitigation strategy which will need to be discharged before the ground investigation works commence along the access road corridor. This is fully understood by the Applicants, and, as noted above, will be a separate EPSL legal requirement.

(iii) Timescale of commencement of works within the quarry area.

Your e mail expresses concern that works might commence within the quarry area, using the currently substandard highway network, prior to the completion of the proposed highway improvements and new Tir Shon Shenkin / Crumlin Road access. The intention was that preparatory work at the main site would commence in tandem with the construction of the main access road and new access across the common. This would simply involve the construction of the main site access, the laying out of the internal access road, and clearance of the site offices area. We assumed that this would not present any particular difficulty in that it would not generate any traffic other than a low loader to bring in initial plant. However, if the Authority deem it appropriate to impose a planning condition which would prevent any works within the quarry area until the access improvements have been completed then clearly they have the discretion to impose such a condition subject to considering the standard tests set out in Welsh Government Circular 016/2014.

(iv) Landscaping along the access road corridor.

The Applicants recognise the need for the early implementation of landscaping works along the access road corridor following completion of the investigation works and construction of the access. This can be covered by a planning condition requiring the submission of a landscaping scheme within a defined period and, following approval, the implementation of the approved scheme within the first available planting season.

(v) Implementation Timeline.

The implementation programme accompanying my letter dated 9th May was prepared to include all issues previously referred to by Torfaen. It is an idealised timeline which makes a number of assumptions regarding the issuing of a planning permission and the discharge of subsequent conditions, and it was never intended to capture all issues which are referred to in the application documents. In particular, the previous version of the programme chart did not make reference to the ecological surveys / EPSL process since the surveys will be seasonally dependent, and the timescale for receiving an EPSL will be out of the Applicants hands. However, as requested, I enclose an updated programme chart (v3) which removes the specific timescales and instead refers to calendar quarters (Q1, Q2 etc). The chart also includes reference to the ecological surveys, EPSL, and the access road landscaping works, which are shown in red. The chart has also made an assumption that the Authority may wish to impose a condition which prevents works within the quarry until the wider highway / access improvements have been completed (item (iii) above). The chart should thus be regarded as showing a chronology rather than specific dates.

(vi) Aggregate Quality

The recent test of samples from the quarry confirmed the results of previous tests that the sandstone is a high specification aggregate with a PSV of 72. (See also section 5.1 of the Second Supplementary ES, and Sections 3.0 and 5.0 of the 2003 ES).

I therefore trust that matters are in order to allow you to undertake the additional consultations and publicity associated with the submission of further information (ref Regulation 22 (3) of the EIA Regulations 2016). I will leave it to your discretion as to the items of recently submitted material which constitutes 'further information' as defined, and the information which simply constitutes clarification of the proposal, but I suggest that the consultation / publicity should appropriately include:

- The Review of Ecological Impact Assessment Report: SLR March 2016;
- Scope of Access Road Geotechnical Study: SLR May 2016;
- Tir Pentwys Cut Access Road: Burroughs Consulting Engineers May 2016;
- Tir Pentwys Cut Site Access: Plan ref numbers TP3/1B – TP/3/4B inclusive: SLR May 2016; and
- Implementation Programme Chronology: SLR June 2016 (v3).

You will be aware that Regulation 22(7) of the EIA Regulations imposes a timescale of 21 days from the date of publicity of the further information before the Authority can determine the application. Given that we would not anticipate any substantive responses to the further information, I assume that you will still be able to target reporting the application to your July Planning Committee.

Yours sincerely
SLR Consulting Limited

Graham Jenkins
Technical Director