CAS-02628-Y1D2Z7 - Seiont Quarry Peaking Plant :
Applicant's response to Formal request under Regulation 15(2) for further information from the Applicant

The response is presented in the numerical order set out in the formal request. Note the numbering in the Request document runs from 15, so here the queries are numbered 15 (1), 16 (2) etc.

OTHER – PERMISSIONS AND RESTORATION	
QUERY 15 (1)	Clarification is sought on the nature and status of the planning permissions and current/impending applications relevant to the quarry, including the 'concrete crushing' facility referred to by interested parties.
APPLICANT RESPONSE	**Current application under consideration with the LPA:** **C24/0297/19/LL** - Application for materials recycling area for soils, construction and demolition waste, erection of recycling plant building, concrete batching plant, creation of new vehicular access and internal haul routes, change of use of land for general storage (B8 Use Class), retention of workshop building, portacabins and associated parking. (This application was registered and valid on the 27th June 2024 and all documents relevant to this submission are available on the following link: https://amg.gwynedd.llyw.cymru/planning/index.html?fa=getApplication&id=35303 **Previous relevant temporary planning permissions:** Temporary planning permissions in relation to the use of the quarry in relation to the bypass construction was given by virtue of planning permissions C17/0011/19/MW and C17/0107/19/LL. Copies of these permissions are attached with this response

	(2024.09.03 – DN C17/0011/19/MW and 2024.09.03 – DN C17/0107/19/LL) Alternatively the applications and all documents with those submission can be found on the following links: (C17/0011/19/MW) - https://amg.gwynedd.llyw.cymru/planning/index.html?fa=getApplication&id=26988 (C17/0107/19/LL) - https://amg.gwynedd.llyw.cymru/planning/index.html?fa=getApplication&id=27042 These applications included restoration conditions 8 and 9 which requires the land to be restored to its original status once the temporary permission has expired. The site subject to this DNS application forms part of the area of site which is subject to the restoration plan under planning permissions C17/0011/19/MW and C17/0107/19/LL. The plan submitted with applications C17/0011/19/MW and C17/0107/19/LL was a conceptual plan and conditions 8 and 9 on those permission do not stipulate that the restoration of the site needs to be carried out in accordance with that conceptual plan, in fact the condition is worded in a way which requires a detailed scheme of restoration and aftercare to be submitted. It should be noted that the restoration conditions have yet to be formally discharged, therefore the scheme and conditions for restoration have not been formally agreed with the Council. It is the applicant's intention to submit a restoration scheme; there is an argument to consider that the proposal hereby sought under planning application C24/0297/19/LL and the peaking plant application currently with PEDW for consideration (under app ref CAS-02628-Y1D2Z7) could be considered as forming part of the overall restoration of the site.

	Review of Mineral Permission (ROMP) The site is subject to a mineral planning permission ref 390 dating back to 22 November 1951 which granted permission for clay working, re-use of soil waste, restoration work together with associated and additional works at Seiont Quarry. An application for the determination of conditions under the ROMP Environment Act 1995 was approved in 2007 under reference (C00A/0441/14/MW) and secured a scheme of working up until 2042. Paper copies of the working plan and restoration plan submitted for that review process show the old brickworks buildings intact and exclude that area from restoration proposals. A copy of the working plan is attached along with this response (2024.09.03 – ROMP Restoration Plan). The quarry suspended extraction operations in 2008 with the brickworks building and site office demolished in 2010 and 2013 respectively. The area subject to the current DNS application is only partly covered under the working plan for restoration (i.e. the cable route which would be underground anyway). It is considered that the ROMP permission is still valid. In the MPA's consideration of the temporary planning permission for the bypass construction works in 2017, the Minerals Officer confirmed that the ROMP permission remained valid and considered that Seiont Quarry remained a classified active site where the principle of extraction cannot be challenged and mineral operation may recommence under the terms of the ROMP determination at any time without prior warning. There appears to be no mechanism in place, or reference in the planning committee report, to indicate that the granting and subsequent implementation of the temporary works associated with the bypass works under planning application C17/0011/19/MW and C17/0107/19/LL would have a direct impact on the validity and capability of the ROMP permission operating in accordance with the condition set out in permission C00M/0441/14/MW. Furthermore, back in 2021 the previous Minerals Officer asked for a 15 year review of the ROMP, but in January 2022 they accepted a request from the applicants to defer that review until 2027. As such it is considered at that time (when the bypass

	work were largely completed) that the Minerals Officer considered that the ROMP permission remained valid and operational. See attached letter and email correspondence referenced (2024.09.03 - Notice Letter ROMP Seiont 2 09/2021 and 2024.09.03 - Seiont Periodic Review Emails with MO). As such, it is considered that the ROMP permission remains valid and operational and therefore the ongoing validity of the ROMP should be considered as part of this current application, irrespective of whether there is another permission on site with restoration conditions in place.
CONDITION(S)	10 Landscaping scheme. There is no reason to plant around the peaking plant or along the cable corridor. Reinstatement of the corridor to its existing condition can be in the CEMP, or in a suitable and subordinate landscaping condition relating to how the proposed wildlife corridor is to be implemented and maintained.
QUERY 16 (2)	Clarification is sought on the implications of the proposed development on the future restoration of the application site and wider quarry site. Details should be provided of any agreed restoration plan or relevant planning permission/conditions.
APPLICANT RESPONSE	Temporary permission C17_0107_19LL includes condition 24; Permission C17_0011_19MW includes condition 8; both requiring the submission of a restoration plan, and refer to Restoration Plan 3030/16 which is a conceptual plan including the yard. Establishing the Peaking Plant would not affect the restoration work for the remainder of the yard or quarry, but the Peaking Plant site would be removed from the restoration area. The access to the Peaking Plant would be retained to form part of any restoration, since this is the only access to the former brickyard associated with the wider brickworks site. No restoration plans have been submitted to or agreed by the LPA to date. Quarry regrading was only partly achieved, because the quantity of 'unsuitable' material arising from the bypass works was insufficient. Further geotechnical assessment of remaining quarry faces has been commissioned to determine their stability and need for support by buttressing with imported

	material. This has significant bearing on the restoration of the quarry. Restoring the yard would require either the removal of extensive and deep concrete slabs to permit drainage, or importing material and raising levels above the slabs to provide drainage and plant rooting medium. Both are problematic: breaking the concrete would cause prolonged disturbance to residents and would promote water infiltration through ground that may be contaminated; raising levels would reduce flood storage capacity in extreme conditions, both contrary to NRW requirements. Further work with the LPA is needed. The Peaking Plant and other industrial uses that are being proposed are themselves a form of restoration of the site to a productive new use.
CONDITION(S)	
QUERY 17 (3)	Clarification is sought on the reason(s) for the exclusion of the proposed vehicular access from Seiont Mill Road from the red line boundary of the application site, and any implications for the application/development.
APPLICANT RESPONSE	This access also serves other parts of the site within same group ownership, and is to be retained permanently to give access to those other areas. This has been the access for previous site uses and has already demonstrated suitability to deal with greater loads and intensity of movements. No improvements to the access are needed, and therefore there is no need to include it within the red line. Note that the access will remain within the same group ownership (i.e. there are no plans or intentions to separate the sites in terms of ownership as a result of this scheme).
CONDITION(S)	
AIR QUALITY	
QUERY 18 (4)	An explanation is requested on the implications of the Environment (Air Quality and Soundscapes) (Wales) Act 2024 for the proposed development, and how it accords with the provisions of the Act. *If it is not intended to amend the relevant assessments or provide further information, a statement should be provided clarifying the position taken and reasons for doing so.*

APPLICANT RESPONSE	The Act gives Welsh Government the power to revise air quality targets but changes have not been made to date. If, under The Environment (Air Quality and Soundscapes) (Wales) Act 2024 the Welsh Government were to introduce a new long-term annual mean target of NO_2 concentrations in agreement with the WHO guidelines, changing it from the current air quality limit of 40 µg/m^3 to a target of 10 µg/m^3, the predicted annual mean concentration (Supporting Statement Appendix I) would still be in compliance with this at all but two receptor locations, where it is predicted marginally to exceed the WHO target i.e. 10.1 µg/m^3 (residential receptor 1 on Penybryn Road) and 10.6 µg/m^3 (residential receptor 11 on Waunfawr Road). This is accounting for current (2019*) background levels of NO_2 in conjunction with the proposed development contribution. It would be expected that due to other local, national and international measures including reductions in road traffic and domestic emissions, the future background concentration would decrease, meaning compliance with the target at all locations would be likely. *Since the ITPE study was written, the North Wales Authorities have published the LAWM Annual Progress Report 2023 which shows that the annual mean NO_2 concentration at the Urban Background site (GC003) referred to in the ITPE study has continued to decline, from 9.3ug/m^3 in 2019 to 6.3ug/m^3 in 2022. Similar declines have been reported consistently across monitoring sites in Gwynedd. On this basis, the predicted annual mean with the Peaking Plant would already meet the WHO target if that were to be adopted in Wales.
CONDITION(S)	
QUERY 19 (5)	In its Local Impact Report (LIR), Gwynedd Council takes issue with the adequacy of the information provided in relation to air quality, such that it is unable to carry out a full assessment of the effects of the proposed development. Queries are also raised by interested parties regarding the implications of local topography on the findings of the Air Quality Impact Assessment, as well as the proximity of nearby sports facilities and hospital in relation to health.

APPLICANT RESPONSE	Public Protection reps are not exactly transferred to LIR. Rep says 'to ensure the validity of the dispersion modelling data the following is conditioned: '. Officers of the Council have agreed that the modelling takes account of topography but understand that the general public may have concerns. ITPE's study used a dispersion model which includes terrain effects, as stated in paragraph 4.5.4 of their report (EIA Appendix I). As stated in para 4.2.2 of that report, AQSs have been set at concentrations that provide protection to all members of the public, including more vulnerable groups such as the very young, elderly or unwell . Sports participants and hospital patients are therefore protected by the short term and long term AQSs. Our response to Point 18 shows that even with conservative assumptions the predicted concentrations are low, even in relation to possible more stringent targets in future, and any effect has been shown to be very low. We have agreed that additional diffusion tube monitoring of background NO_2 concentrations at two of the receptor locations (R1 and R11) would provide reassurance that the adoption of the Council's existing GC003 'urban background' data as the representative background for the study is valid. The applicant will meet the Council's costs in adding these two locations to its routine monitoring programme.
CONDITION(S)	15 Cyn dechrau ar y gwaith ar y safle, rhaid gwneud astudiaeth tiwb tryledu NO_2 am gyfnod o 12 mis cyn gweithrediad cyntaf y datblygiad. Rhaid cyflwyno hwn i wasanaeth Gwarchod y Cyhoedd a'i gytuno yn ysgrifenedig. Bydd y cynllun a gymeradwyir yn parhau am o leiaf 12 mis yn ystod y cyfnod gweithredu, a bydd copi o'r canlyniadau ac adroddiad yn cael eu cyflwyno i Wasanaeth Gwarchod y Cyhoedd ar hynny. Os bydd y rhain yn dangos bod angen mesurau rheoli, bydd y rhain hefyd yn cael eu cynnwys yn dilyn trefn ar gyfer eginyn. Pollution Prevention text: Prior to the commencement of work on site, a detailed scheme for the implementation of NO_2 diffusions tube study for a 12 month period prior to first operation shall be submitted to and approved in writing by the Public Protection Service. This study shall concentrate on residential human health receptors. The approved scheme shall be continued

	for a minimum period of 12 months during operation, upon which a copy of the results and a report shall be submitted to the Public Protection Service. If the results show mitigation measures are required, these shall also be included together with a timetable for its implementation.
CONDITION RESPONSE	The applicant opposes this suggested condition. Even with conservative assumptions the predicted concentrations are low, even in relation to possible more stringent targets in future. As any effect has been shown to be very low we consider that there is no need to validate the modelling, and the proposed condition would not be effective. Existing background NO_2 concentrations are established and reported in the ITPE report. The applicant has agreed to fund further local diffusion tube measurement which will confirm or update the concentrations locally, but there is no reason why concentrations would be significantly different to those previously reported. The applicant and officers of the Council agree that air quality monitoring using diffusion tubes is a useful practice to measure monthly average concentrations of NO_2, to then calculate annual mean concentrations for comparison with the air quality limit, but a 'before-and-after' development campaign is not a practical or useful solution for detecting peak hourly concentrations of pollutants from particular sources. The hours of operation of the STOR will be unpredictable and unlikely to reach the 3,150 hours for which consent is sought. The short-term process contributions will not be identifiable or discernible from other sources in the diffusion tube data, and are likely to be masked by general variations in month-to-month tube results. The applicant and officers of the Council agree that there is no suitable threshold (other than the AQS) to trigger further mitigation and so the condition as drafted would lead to continued uncertainty. The maximum predicted short-term effects are not significant. It is important to recognise that for the majority of emitting periods, the meteorological conditions will not be the "worst-case" conditions for dispersion and so 1-hour concentrations at human health receptors will be below the predicted maximum shown in the ITPE report.

	The applicant and officers of the Council agree that operational emissions should be monitored and regulated via the MCPD permitting regime rather than planning conditions. The Air Quality Impact Assessment confirms, in para 4.4.2, that the proposed development generator emission rates therefore comply with the MCPD emission limit values and this can be monitored in operation. The Council propose that it is conditioned, and that the Environmental Permit for the site includes a limit on annual operations to 3,150 hours, as based on this number of operational hours the site is not statistically likely to exceed any of the current AQS objectives. The applicant is happy for operating hours to be conditioned as part of the planning application or during permitting. Systems such as run hour counters can be implemented to ensure that this is restricted.
QUERY 20 (6)	Confirmation is sought whether the recommendation within paragraph 6.0.11 of the Air Quality Impact Assessment regarding woodland features has been addressed, and any implications for the proposed development.
APPLICANT RESPONSE	The applicant has discussed this matter with the Ecologist, and with the Council's Biodiversity Officer. The Supporting Statement 8.2.9 refers to likely agricultural sources for N deposition. The EcIA 5.3.5 - 5.3.7 concludes that the addition to the annual deposition of nitrogen is not expected to have a noticeable effect. We also note the NRW Response on this topic. Further site observation shows that the woodland nearest the proposal site is secondary regeneration on disturbed slopes, consisting largely of young birch, alder, willow which are not sensitive to N inputs at this level.
CONDITION(S)	N/A
NOISE	
QUERY 21 (7)	The Council's LIR, and response from its Pollution and Licensing Team, query the robustness of the Noise Impact Assessment, the assumptions contained within, and the findings reached.

	Concerns are also raised regarding the consideration of construction noise within the assessment, and the cumulative effects with other activities within the quarry site.
APPLICANT RESPONSE Noise Assessment	We provide below the Council's comments (black text) and our responses (blue text). The Seiont Gas Peaking Power Plant (6018) Noise Impact Assessment v1 dated 24/03/23 (NIA) concludes that the operational noise as having a low impact effect as a result of the development. The application does not clarify the operating hours, the development is therefore assumed to be required to operate at any period over the 24 hours and no limit on the operating/night time has been proposed as a mitigation measure. This is correct; the plant will require the flexibility to operate at any time within any given 24-hour period and therefore no limit on operating hours is proposed. The actual usage of the STOR is most likely to occur during times when the demand on the grid is greatest; this typically occurs in the evening, as people return home from work. It is therefore unlikely that the STOR would be required throughout much of the daytime period or through the night.
	The Supporting Statement v1.0 BP-f-012 Dec2021 p 39 Table 5 notes that :- '…….there could be periods when both the concrete plant/materials recycling operations and the STOR were operating during daytime hours, leading to the combined noise at some receptors exceeding the agreed criterion…' They suggested that this could be managed but no discussion on the how this would be achieved in practice with regards to the agreement with the national grid, and no assessment has been undertaken regarding the accumulative effect of any noise assessment or soundscape in the NIA report. While the Applicant will have no control over times when operation of the STOR is required, when the STOR is operating, the Applicant will be able to cease or prevent operation of other on-site activities in order to avoid cumulative noise effects. In

	discussions the LPA indicated that this would be difficult to condition, since the ownerships might become separated. The Applicant now proposes that the LPA attach a noise condition to the concrete plant/materials recycling operations such that if the STOR was to operate at the same time, the combined noise at receptors still met the agreed limit. The Applicant would install additional acoustic cladding within the crusher building so that this was achieved. Residents would benefit from reduced noise at all times when the crusher was in operation.
	The NIA suggests that most of the time the facility will be silent and only a low impact when operational. However, the application does note that facility will operate for 3100 hours a year. This equates to over 8hrs a day, this is likely to be in the evening and weekends when the demand will be higher on the grid. The noise consultant has only attended the site and noise sensitive receptor sites for a limited duration and only during daytime hours. The majority of the assessment has been undertaken on the applicant site and unattended. A worst-case number of hours of operation was required for consideration of the greatest potential for air quality impacts; no number of hours of operation was specified within the NIA. Actual operation is expected to be as described above; only in response to high demands on the grid at peak times, which will typically occur on weekday evenings. BS4142 does not specify a requirement to undertake extended attended measurements. As shown in Table 3 of the NIA, the measurements completed during the daytime period totalled three hours and ten minutes. At least one hour of attended measurement was completed at each of the three off-site monitoring locations, this matches the daytime reference period specified in BS4142. Observations indicated that the noise environment was relatively consistent and, as such, we consider this sufficient to provide observations on the ambient noise environment. In addition to attended measurements, a long-term unattended measurement was undertaken at an on-site location, which included weekdays and a weekend. This location was judged by the surveyor to be representative of a relatively quiet area

	within the study area, away from roads, which were identified as the primary source of noise at each monitoring location. As shown in Table 5 of the NIA, the recorded background level at NMP4 was lower than the background levels recorded at the other locations during attended monitoring, which supports the surveyor's appraisal. As shown in the chart Measured Sound Levels – NMP4 in Appendix 2 of the NIA, the background level at this location was highly consistent throughout the duration of the survey. The chart shows that the representative background level adopted is around the 'floor' of measured background levels; this is a highly robust approach. The Council's officer reported that check measurements differed from those in the study and so it has been agreed that further attended night-time measurements will be made as soon as suitable weather is available.
	The full specification of the plant and equipment to be situated and operated has not been stated which has led to assumptions made within the NIA (point 1.04). Indeed the author of the NIA states this in many parts of the report and assurances would be required to meet the noise source level assumed in the predictions for the report. While a proposed supplier for the equipment has been identified, it is typical that planning applications are submitted prior to finalisation of contracts to supply the equipment and the final specification may therefore be subject to change. Given the lead times to secure planning approval and procurement of equipment, specifications may change. As such, it is reasonable to undertake the NIA based on an indicative specification. The preferred supplier has indicated that additional sound attenuation can be applied to equipment if required to meet appropriate noise limits, but with an associated increase in cost. The NIA has therefore been completed on the basis of a likely worst-case specification. The Applicant will confirm through the procurement process that the eventual specification will enable consented/conditioned noise limits to be met.
	Construction Noise (NIA point 2.3) has been scoped out of the assessment although no details have been given on the construction methods, any construction will have an impact although may be short in terms of the development. I note that the

	Supporting Statement makes reference to operating hours of previous planning permissions which may have elapsed. The Construction hours generally advised by the Department are 08:00 - 18:00 on weekdays and 8:00 - 1300 on Saturdays with no noisy activities to be undertaken on Sunday or Bank Holidays. The NIA does however note that construction will be over the weekday period only and this could be conditioned. The Applicant anticipates that there will be conditions regarding hours of working for the construction stage, as stated in the Supporting Statement. The construction stage will be of short duration and noise impacts may be controlled by implementation of a CEMP.
	The NIA also notes that the operations at the civil engineering yard will continue alongside the proposed development but have not been included in the NIA. Operations at the civil engineering yard are typically sporadic and of short duration. Currently there is very little activity at the yard. Given the variability of noise from the engineering yard, it is not possible to accurately characterise this to consider potential cumulative operation with the STOR, however, any cumulative effects may be assumed to be infrequent and of short duration, within daytime operating hours only. As shown above, the Applicant will be able to cease or prevent operation of other on-site activities in order to avoid cumulative noise effects if STOR operation coincides with working hours at the yard. For this reason the other operations are not included in the NIA. The Applicant now proposes that the LPA attach a noise condition to the concrete plant/materials recycling operations such that if the STOR was to operate at the same time, the combined noise at receptors still met the agreed limit.
	In point 5.1 Table 3 Method of Baseline Characterisation in the NIA, is limited and I do not concur with the findings.

	No reason is provided by PPS for disagreement with the findings of the NIA. A full record of the baseline study is provided in Appendix 2 of the NIA, should further detail beyond that provided in Section 5.1 be required.
	The method of assessment has been based on an appropriate method the BS 4142, which provides a method of rating and assessing impact from industrial and commercial sounds. Daytime measurement periods are defined in the BS4142 as being between 07:00 and 23:00 hours, with night-time periods being between 23:00 and 07:00 and compares the highest noise rating level with the lowest background noise level and effectively sets out the worst possible outcome based on the levels measured. BS 4142:2014 advocates the use of LAeq, T - a level, which is directly measurable and termed the Specific Sound Level. Subjectively the Specific Sound Level may be corrected as follows: - Tonality; +2dB, +4dB or +6dB depending on prominence - Impulsivity; +3dB, +6dB or +9dB depending on prominence. Predictions of operating levels provides sound power data for the noise source (NIA point 5.2.6), this is assumed to be within an acoustical enclosure and with an exhaust silencer. Confirmation would have to be made or conditioned to ensure that this is the case. Table 4 of the NIA provides the source noise levels, which states 'Acoustic enclosure, inlet and outlet attenuators', thereby confirming that the assessed equipment includes acoustic enclosure and silencing. The Applicant proposes to source equipment that meets appropriate noise limits, which may be specified by condition. The sound power level of the equipment is therefore the most relevant information.
	No details on the environment and any contribution the river made to these reading has given in the NIA (point 5.1) The river flows along two sides of the site, I would also note that the properties in Hendre (NSR 3) would not be afforded the screening

	noise from the river and to a lesser extent the Hospital (NSR 2). The Assessment has only been for 1 hour attended in each area in daytime hours only, so I cannot concur that this limited attended monitoring is as robust as the Author suggests. Duration of baseline survey is discussed above; we are confident that adequate baseline data has been collected in accordance with the requirements of the relevant guidance. The river has a low contribution to the noise environment within the study area. As noted within Appendix 2 of the NIA, the river was audible at NMP1 but was otherwise a minor contributor compared with distant road traffic and bird calls. Reference to masking noise is made in paragraph 7.0.3, but this is a reference to anthropogenic sources, specifically road traffic and not to river noise.
	As the NIA suggested that both the daytime and nightime representative levels were 41 dBLA90T, check monitoring is being conducted to assess the accuracy of the readings. Daytime monitoring at Noise Sensitive Resident (NSR) 2 and 3 have been made and are 6.4 dB less than the representative background level at Noise Measurement Point (NMP) 2 and 4.9 dB less than measured by the NIA at NMP 3. A further reduction in backround levels were measured before 23:00 hrs and after 23:00 hrs which were NSR 2- 34.6 dB(A)90 and 31.4 dB(A)90 at NSR 3. Without reviewing the monitoring locations used, measured data and observation records from monitoring referred to, which we assume has been undertaken by PPS, we cannot comment on these reported levels. We note that noise levels at any location may vary seasonally and the approach used to define the representative level may result in some variation from the same dataset. As discussed above and demonstrated in Appendix 2 of the NIA, our approach adopted the lowest typical background level recorded during four days of monitoring. Measured levels at NMP1, where the river was audible, were 3 dB higher than the adopted representative level recorded at NMP4, where the surveyor determined that noise from the river was not a significant component of the noise environment.

	The Council and Applicant have agreed that further attended night-time measurements will be made as soon as suitable weather is available.
	BS4142:2014+A1:2019 states: "The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs'. BS4142:2014+A1:2019 also states: Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context, and the NIA concluded that this was the case. Given that the background levels in the day and nightime are much lower than reported in the NIA, and no penalties have been submitted the conclusion for the likely impact will also be affected. The rating level at NSR 3 would be +4.9 dB and +9.6 dB indicating that the specific sound source will have an adverse impact. A further baseline sound monitoring survey should undertaken in the vicinity of the closest noise-sensitive receptors to the Site to ensure that any assessment is accurate. This paragraph raises several issues, which we deal with individually as follows: ➢ As noted above, without a review of the monitoring undertaken by PPS, we cannot comment on reported background noise levels. ➢ BS4142 recommends that adverse impacts may occur where the rating level exceeds the background by 5 dB or more, depending on the context. ➢ Assuming PPS's measured levels are suitably representative of NSR, daytime impacts will therefore be low. ➢ During the night-time period (23:00 – 07:00) when residents are most likely to be inside their houses, compliance with internal fixed criteria (rather than criteria relative to background) is likely to be more relevant. A rating level of 41 dB at

	NSR3 equates to an internal noise level of 26 dB, which is 4 dB below the BS8233 recommended noise level within a bedroom. ➢ The context of the likely STOR operation (noting that it will require the flexibility to operate at any time) is that the most likely times of operation are when there is the greatest demand on the grid. This typically occurs during the evening (ca. 17:00 – 20:00), when road traffic flows will be higher than during the middle of the night and therefore road traffic will provide masking noise. In residential areas, other day-to-day man-made noise sources will also be greater at these times than during the quietest periods assessed for background noise. ➢ Regarding the context of the STOR's operation, we note the following: o The STOR is not expected to be required to operate frequently. o In contrast to a noise source such as a factory or item of commercial plant which operates continuously on every day/every weekday, the STOR will operate infrequently and for discrete amounts of time. o Its impact will therefore be lesser than other commercial/industrial noise sources. ➢ No penalties have been applied in accordance with BS4142 within the NIA, and rationale for this is provided in Section 6.2.3. PPS does not indicate which penalties they consider should apply; however, we discuss the reasons why no penalties should apply as follows: o The STOR will not have impulsive characteristics. o As discussed in Section 6.2.3 of the NIA, operation of the STOR will not fit the description of an intermittent source as provided in BS4142 and its supplementary worked examples. o Noise from the STOR will be from the generator via the exhaust and air inlet as well as breakout from the acoustic enclosure, and from operation of cooling fans. The noise characteristics of these sources is anonymous and broad-band and would not attract penalties for tonality.

	○ This type of noise is similar to that of the prevailing noise sources in the area, including road traffic. No correction for a noise source which is otherwise noticeable against the residual noise environment will therefore apply.
	The NIA predated the legislation for soundscapes however the application was submitted following the requirement for applicant to consider the soundscapes, noise management must have a broader focus than simply reducing the decibels. The site is surrounded by public access and residential amenity spaces. The applicant should submit a broader response that consider impacts on health, well-being and amenity in terms of the development. As discussed above, the NIA considers the worst-case source level of the STOR equipment and further attenuation can be applied if required, such that appropriate noise limits are met. We reiterate that the STOR is a backup power supply and is unlikely to operate much of the time. It will therefore not form a permanent part of the soundscape of the area. During times when STOR operation is most likely to occur (the evening period), the soundscape will be dominated by road traffic, both on local roads and on the bypass. Noise from operation of the STOR will be similar in character to the broad-band noise from engine and tyre noise of road traffic and will therefore not be clearly noticeable against the residual noise environment.
CONDITION(S)	4 Cyfyngiadau Lefelau Sŵn (i'w cadarnhau yn ymateb Uned Gwarchod y Cyhoedd i'r cyfnod ymgynghori).
	In discussions about appropriate noise limits, held 12.8.2024, the Council's Environmental Health Officer stated that she considers that the limit should be set as 'background + 0dB' for the evening and weekend periods, and 'background – 5dB' for night-times (11pm – 7am). A level of 'Background + 5dB' proposed by the applicant is considered too high. The applicant contends that 'Background + 5dB' at sensitive receptors would not cause nuisance or unacceptable disturbance, given the nature of the sound produced by the plant. The applicant and Council have agreed that the applicant will conduct

	further attended noise measurement, covering weekday evening and overnight periods, at the noise monitoring points NMP1 – 3 in order that the background noise can be determined directly. The Council consider that this information is needed before noise limits can be set. The measurement team is currently awaiting suitable weather for this measurement exercise.
QUERY 22 (8)	The Inspector notes that Table 5 of the Supporting Statement indicates that management of the materials recycling operations (which should be addressed under Point 1 above) could avoid cumulative noise impacts. Further details are requested regarding the measures that could be employed, including any potential restrictions on their implementation.
APPLICANT RESPONSE	The applicant company for the proposed materials recycling operation would lease that site from Seiont Ltd, site owner and applicant for the Peaking plant. The LPA could apply a condition to the materials recycling permission (if granted) requiring that sufficient operations are suspended when the peaking plant is operating so that noise limits are not exceeded. This would ensure the mitigation that is stated in Supporting Statement v1.0 p 39 Table 5. No agreement with the electricity customer, and no assessment of combined noise, is therefore required. Any specific arrangements between the site owner and the materials recycling operator could be written into the lease for that land. In discussions, the LPA has stated that there would be difficulties in applying a condition in this way since the ownerships of the two operations could in future be separated. As an alternative, the applicant would accept a condition on the proposed materials recycling operations that set a noise limit for those operations which ensured that should the Peaking Plant operate at the same time, the cumulative noise at receptors would remain acceptable. Compliance could be achieved by additional sound attenuation within the fabric of the proposed building housing the crushing plant. There would be a wider benefit in noise reduction at all times when the crusher was operating.
CONDITION(S)	

QUERY 23 (9)	Table 5 of the Supporting Statement also states that 'developments generate different emissions to air, with insignificant effects on vegetation'. The applicant is requested to clarify the basis on which this finding has been reached, with reference to the information requested in Points 5 and 6 above.
APPLICANT RESPONSE	When operating, the Peaking Plant would emit CO_2 and some NOx. The Peaking Plant's contribution to N deposition in relation to Critical Loads is set out in the Supporting Statement and its Air Quality Impact Assessment, and in Point 5. Concrete batching and inert materials recycling operations could emit dust and particulates (subject to controls) but not CO_2 or NOx in any quantity. Sources of CO_2 or NOx would be the engines of mobile plant (loading shovel) and transport vehicles. Particulates would be controlled by a sealed cement handling system and water sprays, and by haul road dust suppression, under a site Environmental Permit. For this reason the two proposed developments would have different emissions to air, and not cumulative emissions.
CONDITION(S)	N/A
OTHER – FLOOD CONSEQUENCE ASSESSMENT	
QUERY 24 (10)	The Council's LIR, and response from Natural Resources Wales, refer to the access route to the site and underground cable having not formed part of the Flood Consequence Assessment.
APPLICANT RESPONSE	The Supporting Statement 14.2.4 confirms that the access road remains flood free except in the most severe event combined with partial blockage. NRW note that the FCA states that the site will not be permanently occupied; during construction, staff would leave well before such conditions arose, and during operation there would be no staff presence and no maintenance operations would occur if such weather was forecast.

	The cable route was not considered in the FCA because such cables are designed to be installed in ground which can flood or is continually saturated. The cables are not vulnerable to flooding and no further consideration is required.
CONDITION(S)	
OTHER - HERITAGE	
QUERY 25 (11)	In an email dated 26 June 2024, Cadw refers to the need to ensure adequate protection of the Grade II listed Seiont Mill Bridge from harm during the construction and operational phases of the proposed development, taking account of other developments on the quarry site. The applicant is requested to respond to this point, outlining measures to address this concern.
APPLICANT RESPONSE	We note the current public highway access for the site and Seiont Mill Road properties was also the only road used by the former brickworks so there is history of heavy traffic use. The road was used by articulated vehicles such as cement tankers during construction of the bypass. It is currently (August 2024) being used by articulated tankers delivering bitumen to the Council's Highways team who are temporarily using the Seiont site as a depot for surface dressing works. All construction for the Peaking Plant will use road vehicles and not require abnormal load movements. There should be no highways concern.
CONDITION(S)	8 & 9 Archaeology. Site is all/almost all disturbed ground with minimal potential for remains within the depth of construction proposed. The condition should be kept proportionate or omitted.
OTHER - ECOLOGY	
QUERY 26 (12)	The Inspector notes that the Habitat Regulations: Test of Likely Significant Effects report does not include an assessment of potential in-combination effects with other plans or projects. The applicant is requested to address this point, with particular reference to the information requested under Point 1 above
APPLICANT RESPONSE	A supplement to the HRA has been prepared to address this point, and incorporated into the TLSE as v2 (attached). No significant 'in combination' effects are identified.

QUERY 27 (13)	The Council has provided a list of suggested conditions in the LIR and the applicant is requested to review this schedule in light of the consultation responses received. The submission of a revised schedule of conditions, as agreed between the parties, is requested. An explanation of any areas of dispute should be provided in the event agreement cannot be reached.
CONDITION(S)	5 Lighting details. The applicant accepts the need to provide details of the proposed lighting, but would stress that as set out in paragraph 2.2.7 of the Supporting Statement the lighting would operate only as a security measure. The site would not be lit in normal operation, and so the risk of any effect on bats is minimal. The condition proposed requires details far beyond what is relevant to the proposed development and could be worded more specifically.
	6 ecology management. Proposed condition all relates to habitats and areas outside the proposed development, and is not required as mitigation for the development, as the development has no effects on biodiversity in these areas.
	7 CEMP. Accepted, but details of content should be checked to avoid duplication or overlap with other conditions
	11 INNS. Wording should confirm this relates to the application site and not the river corridor which is outside the site and subject to repeated invasion when flooding occurs: repeated treatment would be needed here - making it impossible to meet condition before development begins. Could be one item within the CEMP instead of separate condition.
	12 Measures in EcIA. That document is wide-ranging so a list of specific measures is needed, taking care to avoid overlap with the CEMP.
	13 Bird nesting. Accepted.
OTHER – FINCH JUDGEMENT	

QUERY 28 (14)	Comments are sought on any implications for the application of the recent Supreme Court judgement in the case of R (Finch on behalf of the Weald Action Group) v Surrey County Council and others.
APPLICANT RESPONSE	The Supporting Statement sets out, in para 1.1.4, the National Grid's definition of Short Term Operating Reserve and its aim to procure more capacity to allow the system to be managed as renewable power is added to the Grid. Supporting Statement para 4.1.1 explains that the proposed plant is a 'flexibility service' which PPW 12ed notes is necessary as an integrated element of the system with renewable generation. It is therefore clear that Short Term Operating Reserve capacity will be purchased, and if not from the proposed Peaking Plant then from other sources. For the reasons set out in Supporting Statement sections 4.1 and 4.2 those sources will require fossil fuels and will therefore generate greenhouse gas emissions with the same environmental effect. The judgement in R (Finch on behalf of the Weald Action Group) v Surrey County Council and others is applicable to this proposal but applies equally to the alternative - the 'Do Minimum' case in which flexibility services are purchased from other fossil-fuel sources. On the evidence available, the proposal would generate no more greenhouse gas and no greater environmental effect than the 'Do Minimum' and could be more efficient because it would operate at short notice only when needed, rather than on a stand-by basis.
OTHER CONDITIONS	
CONDITION(S)	14 Contaminated land. Accepted