



Nathaniel Lichfield  
and Partners

Planning Design Economics

Steve Ball  
Vale of Glamorgan Council  
Development Control  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

1st Floor, Westville House  
Fitzalan Court  
Cardiff CF24 0EL

T 029 2043 5880  
F 029 2049 4081

cardiff@nlpplanning.com  
www.nlpplanning.com

Date: 31 October 2007  
Our ref: WE30327  
Your ref: .

Dear Steve

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 – REQUEST FOR FORMAL SCREENING OPINION**

**SITE B – EAST QUAY, BARRY WATERFRONT**

On behalf of our clients, Taylor Wimpey, Persimmon and Barratt, we request that the Council provides a formal screening opinion to confirm the requirement for an Environmental Impact Assessment (EIA) in respect of the proposed mixed density residential development on the above site. A site location plan has been provided at Appendix 1 for you information.

This request is made in pursuance of Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the '1999 Regulations').

To enable your consideration of the issue, we set out below the following information:

1. Description of the site and its surroundings
2. Description of the proposed development
3. Review of the requirement for an EIA

Item 3 is dealt with by reference to the completed checklist at Appendix 2, based on the indicative checklist provided in Annex B of the draft Amended Circular on Environmental Impact Assessment, June 2006.

**1. Description of the site and its surroundings**

The proposal area, known as East Quay, extends to 6.46 hectares in total around the graving dock. It is brownfield land that used to form part of the Barry No. 1 Dock area. This was historically the heart of Barry's economic activity, however, following its demise, the local authority has identified the waterfront as a strategic priority, supporting a vision of mixed development, with new housing, retail, leisure attractions and a new public promenade and road network.



In 1997 an application for a 192 acre site was granted permission for residential, commercial, business, retail, leisure and amenity open space. The wider planning consent has now expired, however, part of it has already been developed for retail and residential development, including the development of over 700 homes, a supermarket and a retail park.

Barry Waterfront itself is located to the south of Barry town centre and is strategically positioned between the town centre, Barry Island and the harbour. As a whole, Barry Waterfront encloses some 75 acres of water with 2.7 miles of quayside and therefore the development opportunities to regenerate the area are significant. East Quay (Site B) forms a small area of this wider regeneration site.

The site has excellent links by private and public transport. It is highly accessible by car as Ffordd y Mileniwm, which forms the northern boundary of the site, directly links to the A4055 that provides access to Dinas Powys, Penarth and Cardiff to the east. To the west the A4055 provides access into the remaining Barry Waterfront development land parcels and also to existing residential development at The Knap.

The main railway between Cardiff and Barry Island is also in close proximity to the site. Three railway stations (Barry Docks, Barry Town and Barry Island) lie within easy access of the site, indeed the Barry Docks station lies approximately 150 metres from the site's northern boundary. The railway service operates every 30 minutes and takes approximately 20 minutes to travel to Cardiff. In addition to this, frequent bus services run along Ffordd Y Mileniwm providing access to the Retail Park and to the waterfront.

Pedestrian access to the town centre from the site is via the station subway and then along Dock View Road and Thompson Street. However, there are many side roads that open onto Dock View Road that can be used as a pedestrian cut-through to the town centre.

Barry is also close to Cardiff International Airport, which provides flights to both national and international destinations.

## **2. Description of the proposed development**

Our clients are in the process of creating detailed designs for the development proposal, however, it is possible to define limits to certain key elements of the proposals. These are outlined below:

- It is proposed that the physical development at East Quay will comprise mostly of residential development. This would be a mixture of houses and apartments and would be relatively low density, providing up to approximately 350 dwellings within the site.
- The residential units would be a maximum of 5 storeys in height, although the opportunity for a feature tower / landmark may be considered.
- Associated car parking and cycle parking would be provided within the site.



- The existing s106 agreement requires that provision of a large area of public open space in the northern sector of East Quay. This will cover approximately 1.81 hectares (4.47 acres) of the total area of the site.
- It may also be possible to provide an element of A3 use within the site by locating a restaurant or café between the open space and the residential development. This could be utilised by both residents and visitors alike.
- Vehicular and pedestrian access into and out of the site would be via Cory Way and Fford y Mileniwm.
- Early investigations into the site and its surroundings have identified a long distance view of the water that runs through the site. This will not be affected as the area of land within the view corridor is proposed to be public open space.

### 3. Review of the requirement for an EIA

A formal view is sought as to whether the proposed development constitutes 'EIA Development' under the EIA Regulations as the proposal comprises an 'urban development project' with a site area exceeding 0.5 hectares (Schedule 2 Category 10 (b)). Under the Regulations, and clarification provided within Circular 02/99 'Environmental Impact Assessment', it falls to the Council as Planning Authority to determine whether an Environmental Statement will be required.

The requirement or otherwise for an Environmental Statement rests upon whether the development would result in significant effects upon the environment (Paragraph 32, Circular 02/99). There is not, however, any definition as to what 'significant effects' comprise and therefore whether a scheme requires an ES is a matter of fact and degree.

In determining whether the development is likely to give rise to significant environmental effects, reference should be made to Schedule 3 of the 1999 Regulations. This identifies three categories of criteria; i.e:

- i. Characteristics of the development (such as size, cumulative effects, use of natural resources, production of waste, pollution and nuisances, and risk of accidents).
- ii. Location of the development (by reference to the environmental sensitivity of the area).
- iii. Characteristics of the potential impact (having regard in particular to the extent of the impact, its magnitude and complexity, probability and duration, frequency and reversibility).

We review each of these points below

#### *Development Characteristics*

Whilst recognising that it is not possible to formulate universal criteria or thresholds by which to identify developments which require an EIA, given the range in types of developments and importance of location, the Circular provides some indicative thresholds at Annex A. These

thresholds provide a useful indication of the scale of development that is more likely to result in the requirement for an EIA. With respect to 'urban development projects', Annexe A states that development at sites not previously intensively developed are more likely to require EIA if the site area of the scheme is more than 5 hectares; or it would provide a total of more than 10,000 sq m of new commercial floorspace; or the development would have significant urbanising effects in a previously non-urbanised area.

Clearly, Site B at East Quay within the Barry Waterfront regeneration area represents a previously developed urban location within the defined urban limits of Barry and therefore the indicative thresholds within Annexe A should be applied with caution.

Whilst the overall size of the development site is above the 5 hectare threshold, the site is brownfield and 1.81 hectares of the site is to be used for public open space. As a result the overall developable area within Site B at East Quay is 4.65 hectares, which is below the established 5 hectare threshold (for undeveloped land). In addition to this the residential element of the proposal is to be a low rise development comprising houses and apartments, and the total number of dwellings will be significantly less than 1,000 dwellings (again, this threshold relates to undeveloped land). It is therefore considered that the proposals do not constitute a major development, for the purposes of the 1999 Regulations.

#### *Environmentally Sensitive Locations*

The Circular highlights that for any given development proposal, the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require EIA. Site B at East Quay has historically formed part of the Barry docklands area and has therefore been subject to intensive development in the past. Following the demise of the docks, the site has been cleared and, subject to securing planning permission, will create an important area of regeneration within Barry. The land also lies neither within a designated conservation area or within a 'sensitive area', as defined by Circular 02/99. It is therefore considered that the proposal site does not represent an environmentally sensitive location.

#### *Environmental Effects*

The Circular advises that a small number of developments may be likely to have significant effects on the environment. Consideration should be given to development which could have complex, long-term or irreversible impacts. It is considered that the proposals site will not give rise to significant environmental impact and will certainly not create any unusual or hazardous effect. In summary:

- The development will not result in the production of significant waste, pollution or nuisances. It will not have any unusually complex or potentially hazardous environmental effects;
- The development will not produce material noise impacts;
- The development will not result in any material impact on air quality;
- The proposed development site is not located within a Conservation Area and will have no impact upon a listed building thus ensuring the development would have no impact on the built heritage;



- It is unknown whether the development will impact upon archaeological or ecological resources of importance, however, it is felt that this can easily be mitigated against via a planning condition; and
- Any traffic and highway impacts can be fully assessed through the submission of a Transport Assessment.

Any impact during the construction phase of the proposed development will be temporary and limited to the contract period and can be effectively controlled by suitable planning conditions, thereby limiting any local disturbance by reason of noise, dust, vehicular activity etc.

To further consider the requirement for an EIA for the development in question at land at Barry Waterfront, an assessment has been undertaken using the indicative screening checklist provided in Annex B of the draft Amended Circular on EIA. The completed checklist is enclosed at Appendix 2. Parts 1 and 2 of the checklist are used to identify potential impacts, by virtue of the development's characteristics and its location. The significance of each of the potential impacts is then evaluated using Part 3 of the checklist.

## **Planning Submission**

Notwithstanding the requirement or otherwise for an EIA in connection with the proposed development, additional material will accompany the full planning application to assist you in your consideration of the proposals. Subject to further discussions with yourselves, material will include:

- A Planning Statement which will assess the development against the relevant planning policy framework;
- A Design & Access Statement;
- A Transport Assessment, addressing the highway and access issues, car parking, public transport accessibility and cycle/pedestrian access;
- Site Investigation Report
- A Flood Risk Analysis; and
- An Ecological Assessment to assess the unknown ecological resource within the site.

## **Conclusion**

From the analysis set out above, it is considered that EIA is not required. In coming to this conclusion, we have had regard to the relevant regulations and, in particular, consider:

- The site is previously developed land and therefore is not subject to the thresholds established in Annex A. Despite this, the area of physical development (not including the 1.81 hectares of public open space) and the number of dwellings proposed falls below identified thresholds for those developments that are more likely to require an EIA;
- The proposals are not designated within a 'sensitive area';
- The proposed development would regenerate a currently underutilised brownfield site and provide residential development to complement the neighbouring existing residential and retail development to the north of the site;



- The proposals do not create any significant environmental effects; and
- Any traffic, highway, ecological or other unknown impacts can be fully assessed through the submission of relevant assessments (e.g. a Transport Assessment, Ecological Assessment etc.)

We trust that you have sufficient information to determine whether this is an EIA development under the 1999 Regulations.

From these regulations, we note that the local authority has three weeks (beginning from the date of receipt) to form a screening opinion.

In this respect, we hope to hear from you within this time period. In the meantime, please do not hesitate to contact us.

Yours sincerely

**GARETH WILLIAMS**  
**SENIOR ASSOCIATE DIRECTOR**

Encs

November 2007

## MEMORANDUM

Our Ref: WE30327

From: Nathaniel Lichfield and Partners

To: Vale of Glamorgan Council

**SUBJECT: APPENDIX B – EIA Screening Checklist  
SITE B – EAST QUAY, BARRY WATERFRONT**

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### ANNEX B: GUIDANCE ON SCREENING

#### SCREENING CHECKLIST

	Yes/No Briefly Describe
<b>1. Characteristics of the Development</b>	
<b>(a) Size of the development</b>	
Will the development be out of scale with the existing environment?	No – the site is on the edge of town, within an area of land that is to be redeveloped and regenerated as part of the Barry Waterfront regeneration proposal.
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, provision of new water supply, generation or transmission of power, increased housing and sewage disposal)?	The site is part of a wider regeneration area and new roads have already been developed. Further associated infrastructure (e.g. water supply and sewage disposal) will, however, be required.
<b>(b) Cumulation with other development</b>	
Are there potential cumulative impacts with other existing development or development not yet begun but for which planning permission exists?	No. The site is a small residual area remaining from the 1 <sup>st</sup> phase of the Barry Waterfront redevelopment. This is physically separate from the main Phase 2 development at land at West Pond and South Quay.
Should the application for this development be regarded as an integral part of a more substantial project? If so, can related developments	As above the site is a small residual area

which are subject to separate applications proceed independently?	remaining from the 1 <sup>st</sup> phase of the Barry Waterfront redevelopment. This is physically separate from the main Phase 2 development at land at West Pond and South Quay. Separate applications can and are proceeding independently.
<b>(c) Use of natural resources</b>	
<p>Will construction or operation of the development use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?</p> <ul style="list-style-type: none"> <li>• Land (especially undeveloped or agricultural land)?</li> <li>• Water?</li> <li>• Minerals?</li> <li>• Aggregates?</li> <li>• Forests and timber?</li> <li>• Energy including electricity and fuels?</li> <li>• Any other resources?</li> </ul>	The site is brownfield land and will therefore not compromise natural resources in terms of land take. However, the commercial and residential development will utilise electricity and fuel once it is occupied.
<b>(d) Production of waste</b>	
<p>Will the development produce wastes during construction or operation decommissioning?</p> <ul style="list-style-type: none"> <li>• Mining or quarrying wastes?</li> <li>• Municipal waste (household and/or commercial)?</li> <li>• Hazardous or toxic wastes (including radioactive)?</li> <li>• Other industrial process wastes?</li> <li>• Sewage sludge or other sludges from effluent treatment?</li> <li>• Construction, demolition or excavation wastes?</li> <li>• Redundant machinery or equipment?</li> <li>• Agricultural wastes?</li> <li>• Any other solid wastes?</li> <li>• Liquid or solid wastes in suspension?</li> </ul>	No – household and commercial waste will be generated by the completed development, however, this will be collected as standard and will not have a significant impact upon the environment.
<b>(e) Pollution and nuisances</b>	
<p>Will the development release pollutants or any hazardous, toxic or noxious substances to air?</p> <p>Emissions from:</p> <ul style="list-style-type: none"> <li>• Combustion of fossil fuels from stationary or mobile sources?</li> <li>• Production processes?</li> <li>• Materials handling including storage or transport?</li> <li>• Construction activities including plant &amp; equipment?</li> <li>• Dust or odours from handling of materials including construction materials, sewage &amp; waste?</li> <li>• Incineration of waste?</li> <li>• Burning of waste in open air (e.g. slash material, construction debris)?</li> </ul>	Not known at this point.



<ul style="list-style-type: none"> <li>Any other sources</li> </ul>	
<p>Is there potential risk from:</p> <ul style="list-style-type: none"> <li>Leachates?</li> <li>Escape of wastes or other products/by-products that may constitute a contaminant in the environment?</li> </ul>	<p>Not known at this point. A site investigation report will accompany the planning application.</p>
<p>Will the development cause noise and vibration or release of light, heat energy or electromagnetic radiation?</p> <ul style="list-style-type: none"> <li>From operation of equipment e.g. engines, ventilation plant, crushers?</li> <li>From industrial or similar processes?</li> <li>From blasting or piling?</li> <li>From construction or operational traffic?</li> <li>From lighting or cooling systems?</li> <li>From sources of electromagnetic radiation (effects on nearby sensitive equipment as well as people)?</li> <li>From any other sources?</li> </ul>	<p>Yes – light will be created by household and street lighting at levels appropriate to development. Light will also be generated by the restaurant or café that may be developed within the site. Noise will be generated during the construction phase of the development and during the operational phase noise will be created by residents and visitors to the area, however, this will be beneficial to the area and will improve the vitality and vibrancy of a currently derelict and underutilised area of brownfield regeneration land.</p>
<p>Will the development lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p> <ul style="list-style-type: none"> <li>From handling, storage, use or spillage or hazardous or toxic materials?</li> <li>From discharge or sewage or other effluents (whether treated or untreated) to water or the land?</li> <li>By deposition of pollutants emitted to air, onto the land or into water?</li> <li>From any other sources?</li> <li>Is there a risk of long term build up of pollutants in the environment from these sources?</li> </ul>	<p>A site investigation report is being undertaken that will accompany the planning application.</p>
<p><b>(f) Risk of accidents, having regard in particular to substances or technologies used</b></p>	
<p>Will there be a risk of accidents during construction or operation of the development which could have effects on people or the environment?</p> <ul style="list-style-type: none"> <li>From explosions, spillages, fires etc. from storage, handling, use or production of hazardous or toxic substances?</li> <li>From events beyond the limits of normal environmental protection e.g. failure of pollution control systems?</li> <li>From any other causes?</li> </ul>	<p>No</p>

<ul style="list-style-type: none"> <li>• Could the development be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslip, etc)?</li> </ul>	
<p>Will the development involve use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment (flora, fauna, water supplies)?</p> <ul style="list-style-type: none"> <li>• Use of hazardous or toxic substances?</li> <li>• Potential changes in occurrence of disease or effect on disease carriers (e.g. insect or water borne diseases?</li> <li>• Effect on people's living conditions?</li> </ul>	No
<p><b>Other characteristics: potential physical changes (topography, land use, changes in waterbodies etc) from construction, operation or decommissioning of the development</b></p>	
<ul style="list-style-type: none"> <li>• Permanent or temporary change in land use, landcover or topography including increases in intensity of land use?</li> <li>• Clearance of existing land, vegetation &amp; buildings?</li> <li>• Creation of new land uses?</li> <li>• Pre-construction investigations e.g. boreholes, soil testing?</li> <li>• Construction or demolition works?</li> <li>• Temporary sites or housing for construction workers?</li> <li>• Above ground buildings, structures or earthworks including linear structures, cut &amp; fill or excavations?</li> <li>• Underground works including mining or tunnelling?</li> <li>• Reclamation works?</li> <li>• Dredging?</li> <li>• Coastal structures (seawalls, piers)?</li> <li>• Offshore structures?</li> <li>• Production and manufacturing processes?</li> <li>• Facilities for storage of goods or materials?</li> <li>• Facilities for treatment or disposal of solid wastes or liquid effluents?</li> <li>• Facilities for long term housing of operational workers?</li> <li>• New road, rail or sea traffic during construction or operation?</li> <li>• New road, rail, air, waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?</li> <li>• Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?</li> <li>• New or diverted transmission lines or pipelines?</li> <li>• Impounding, damming, culverting, realignment or other changes to the hydrology or watercourses or aquifers?</li> <li>• Stream crossings</li> <li>• Abstraction or transfers of water from ground or surface waters?</li> <li>• Changes in waterbodies or the land surface affecting drainage or run-off?</li> <li>• Transport of personnel or materials for construction, operation or decommissioning?</li> </ul>	<p>Yes – the development will:</p> <ul style="list-style-type: none"> <li>• Permanently alter the land use by developing an underutilised and contaminated docklands area.</li> <li>• Increase the intensity of the land use (it is currently unused, derelict space).</li> <li>• Involve above ground construction works and below ground infrastructure works (e.g. sewers etc).</li> <li>• Involve the transporting of personnel and materials for construction on the site.</li> <li>• Increase the number of people living in the area.</li> <li>• Clear the land and vegetation that has grown since the reclamation of the site.</li> </ul>

<ul style="list-style-type: none"> <li>• Long term dismantling or decommissioning or restoration works?</li> <li>• Ongoing activity during decommissioning which could have an impact on the environment?</li> <li>• Influx of people to an area either temporarily or permanently?</li> <li>• Introduction of alien species?</li> <li>• Loss of native species or genetic diversity?</li> <li>• Any other changes?</li> </ul>	
<b>2. LOCATION OF THE DEVELOPMENT</b>	
<b>(a) Existing land use</b>	
Are there existing land uses on or around the location which could be affected by the development, e.g. residential, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying?	The site is within the urban area of Barry and is close to existing residential and commercial development. These may therefore be affected by the development, although it is considered that the effect will be positive and beneficial for the area.
Is the development located in a previously undeveloped area where there will be a loss of Greenfield land?	No
<b>(b) Relative abundance, quality and regenerative capacity of natural resources in the area</b>	
Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the development?	No
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology <ul style="list-style-type: none"> <li>• Wetlands, watercourses or other waterbodies</li> <li>• The coastal zone</li> <li>• Mountains, forests or woodlands</li> <li>• Nature reserves and parks</li> </ul>	No
Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected?	An ecological report will accompany the planning application.
Are there any inland, coastal, marine or underground waters on or around the location which could be affected?	Yes, however, whilst the site is adjacent to the dock, it is not anticipated that it would be adversely affected by the proposed development.
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?	No
Are there any areas or features of high landscape or scenic value on	No

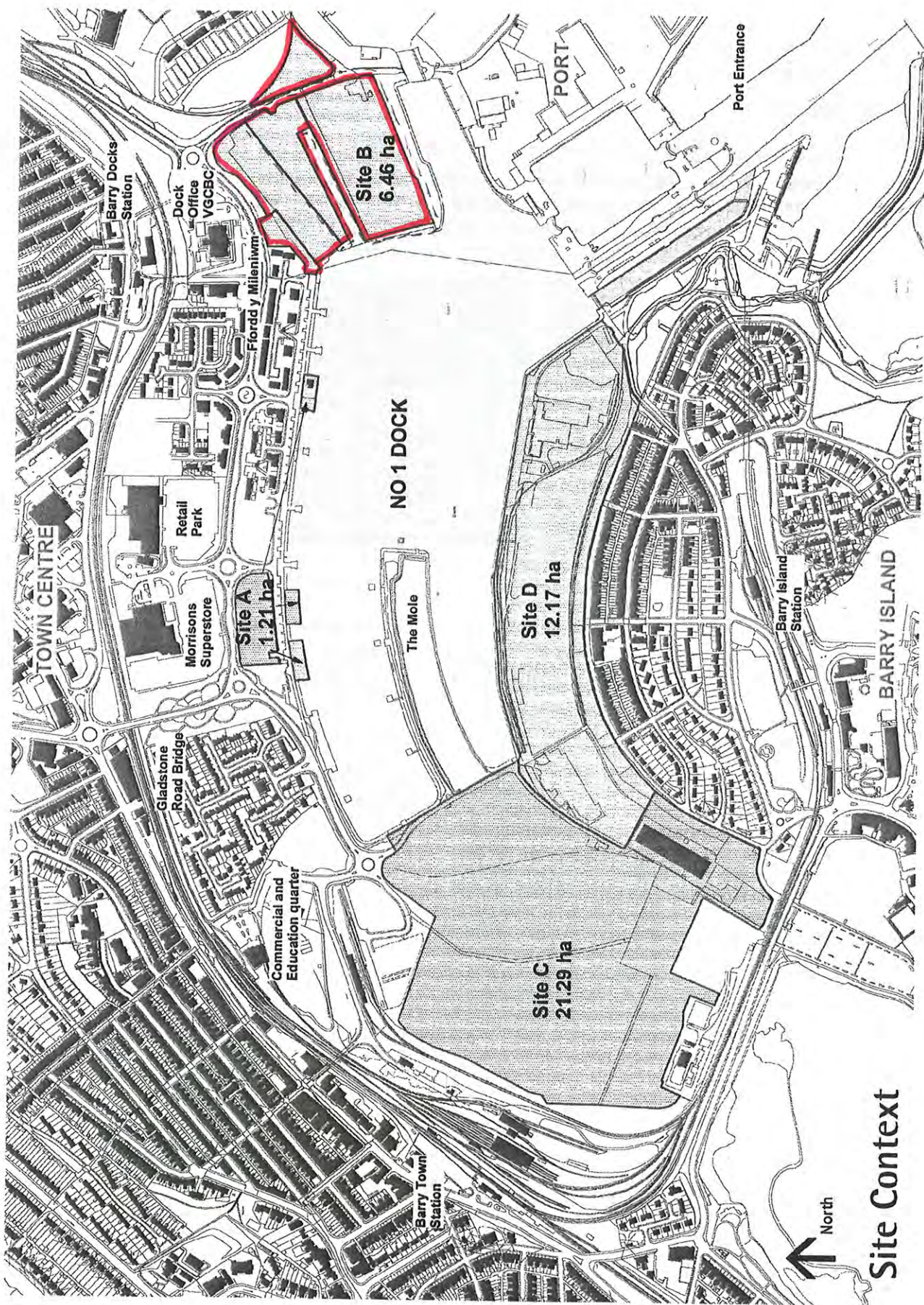
or around the location which could be affected?	
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?	No. The land is currently derelict. The proposal seeks to improve the public realm and public access into and around the Waterfront area.
Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected?	A Transportation Assessment is being undertaken
Is the development in a location where it is likely to be highly visible to many people?	Only localised views.
Are there any areas or features of historic or cultural importance on or around the location which could be affected?	The site is adjacent to the listed Barry Dock office.
Are there any areas on or around the location which are densely populated or built up, which could be affected?	The site is within the urban area of Barry and is close to existing residential and commercial development. These may therefore be affected by the development, although it is considered that the effect will be positive and beneficial for the area.
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected?	No
Is the location of the development susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the development to present environmental problems?	No

# **CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL EFFECTS – CHARACTERISTICS OF THE POTENTIAL IMPACT**

<b>(a) Extent of the impact</b>	
Will the effect extend over a large area?	No
Will many people be affected?	No
<b>(b) Transboundary nature of the impact</b>	
Will there be any potential for transboundary impact?	No
(n.b. Development which has a significant effect on the environment in another Member State is likely to be very rare. It is for the Secretary of State to check Environmental Statements to decide whether there is likely to be such an effect in each case).	
<b>(c) Magnitude and complexity of the impact</b>	
Will there be a large change in environmental conditions?	The development is an area of regeneration that seeks to improve the environmental conditions of the site itself and the surrounding area.
Will the effect be unusual in the area or particularly complex?	No
Will many receptors other than people (fauna and flora, businesses, facilities) be affected?	This is unknown without undertaking an Ecological Assessment.
Will valuable or scarce features or resources be affected?	No
Is there a risk that environmental standards will be breached?	No
Is there a risk that protected sites, areas, features will be affected?	No
<b>(d) Probability of the impact</b>	
Is there a high probability of the effect occurring?	There is a high probability that the development will have a positive and beneficial impact upon the environment.
Is there a low probability of a potentially highly significant effect?	No
<b>(e) Duration, frequency and reversibility of the impact</b>	
Will the effect continue for a long time?	Most effects will be a result of the construction operations. Once completed, it is not anticipated that the finished development will negatively impact upon the environment. However, it is considered that the development will have a long term beneficial impact upon the environment.
Will the effect be permanent rather than temporary?	Yes as the development is permanent not temporary.
Will the impact be continuous rather than intermittent?	This is unknown.

If intermittent, will it be frequent rather than rare?	This is unknown.
Will the impact be irreversible?	No as mitigation can overcome any unforeseen effects that arise.
Will it be difficult to avoid or reduce or repair or compensate for the effect?	No this is unlikely.





Site Context