

Date/Day/Year:

## Administration

Telephone/Ref. No.:

fix/faces:

**Your Ref/Eich Cys:**

My Ref/Cyl: P/DC/2007/01682/SC2

e-mail/e-post:

10E30327 100

Cyngor Bro Morgannwg

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)  
(England and Wales) Regulations 1999 : Schedule 4  
Mixed use development including residential, leisure, education,  
community facilities, employment, hotel and retail use  
at Sites C and D - West Pond & South Quay, Barry Waterfront**

The Council in accordance with the application and plans registered by the Council on 10th December 2007 is of the opinion that Environmental Impact Assessment submitted should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as referred to in the information details as submitted with the request but should also include an assessment of the following:

1. That, in addition to the scope of the Environmental Statement identified in the supporting submissions, that the proposed Environmental Statement cover those matters raised in the Officers report and identified in greater details in the attached consultation letters.

Yours faithfully,

Head of Planning and Transportation

Correspondence is welcomed in Welsh or English/Croeso i'r Gohobizeth yn y Gymraeg neu yn Saesneg

John Maitland Evans, Chief Executive/Pref. Weitzsche

**Directors:** Cylindwr Dafydd: Sian Davies, Finance, ICT & Property Services/Cybilid, TGC ac Eiddo; Peter Evans, Legal, Public Protection and Housing Services / Gwasanaethau Cyfrinolaeth, Amdiffynedd a Chymorth; Bryan Jeffreys, Learning & Development/Dysgu a Datblygu; Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylchedd ac Economaidd, Mark Whiteford, Social Services/Gwasanaethau Cydallwng.

Consultation response: Head of Economic Development & Leisure (Ecology).

Environmental Impact Assessment – Scoping request (Ecology).

APPLICATION NUMBER: 2007/01682/SC2.

APPLICATION SITE: Sites C and D – West Pond and South Quay, Barry Waterfront.

Mixed use development including residential, leisure, education, community facilities, employment, hotel and retail use.

#### Designated sites

- Any Environmental Statement (ES) should automatically include assessment of relevant direct and secondary impacts on statutory and non-statutory designated sites located within or outside the application site (including candidate Sites of Importance for Nature Conservation), although it is recognised that no statutory or non-statutory designations lie within the site boundary.

#### Habitats and Species

To enable the impacts on biodiversity to be fully assessed, the ES should include baseline surveys, assessment of impacts (including both direct and secondary), mitigation measures where appropriate, and statement of significance, to include the following:

- Habitats:
  - Identification and mapping of all habitats present on site using a Phase 1 approach. This should include identification of habitats which have potential to support any protected species or Wales / UK / local Priority species.
  - Phase II/detailed survey of any UK/Wales/local Priority habitats present on site, including hedgerows, which should be assessed to ascertain whether or not they qualify as Important under the Hedgerow Regs. 1997.
- Birds: whole site baseline survey to include breeding bird survey.
- Any protected species which have potential to be affected, and in particular:
  - All bat species (including surveys of trees / buildings / foraging surveys as necessary).
  - Barn owl (Wildlife and Countryside Act Schedule 1 species).
  - Great crested newt: Water bodies are potentially present within site and within 500m radius of site boundary (which is the recognised foraging range for great crested newt) these could potentially support great crested newt.
  - Badger.

- Reptiles.
- Any Wales / UK/ Local Priority species which have potential to be affected.

**Specific arboricultural matters to be included in the scope of the Environmental Statement.**

The scope of the Environmental Assessment should include identification of and assessment of the impacts on any hedgerows, mature or veteran trees on site, and all trees and woodlands protected by Tree Preservation Orders. The assessment should be conducted by qualified arboriculturalists.

*but why separate chapter?*

**Ball, Steve J**

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**From:** Fray, Christopher  
**Sent:** 17 December 2007 09:43  
**To:** Ball, Steve J  
**Subject:** RE: Waterfront Barry - Scoping Opinion  
**Sensitivity:** Confidential

Steve

I have read the letter from NLP and have no comments at this stage.

I have also circulated to colleagues who were not incl on your circulation list in case they have comments.

Regards

Chris

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**From:** Ball, Steve J  
**Sent:** 10 December 2007 10:38  
**To:** Quick, Robert J; Thomas, Rob; Abraham, Victoria L; Dent, John; Punter, Miles E; Gay, Paul; ecology; James, Kristian; ray, Christopher  
**Cc:** 'enquiries@environment-agency.gov.uk'; 'Neil Maylan'  
**Subject:** Waterfront Barry - Scoping Opinion  
**Sensitivity:** Confidential

Dear All,

Please be advised that I have just received a formal **Scoping Opinion** in respect of the required Environmental Impact Assessment for West Pond/ South Quay (Barry Waterfront Phase II).

Although formal consultation letters are in the post today for many of you, for speed and ease of reference I have attached a copy of their application (ref. 2007/01682/SC2), upon which I would appreciate any feedback/ formal consultation responses upon, particularly with respect to the scope of the specific elements identified, and upon any exclusions / additional requirements that you may identify.

Although formal consultation has been requested by 7th January 2008, I would appreciate any response within the next **10 days if possible** (due to Christmas 'issues') in order that I may formulate a report and, if necessary, undertake further discussions/ consultations.

Thanks

Steve

Steve Ball  
Principal Planning Officer (Development Control)

☎ 01446 704602  
FAX: 01446 704847  
✉ [SJBall@valeofglamorgan.gov.uk](mailto:SJBall@valeofglamorgan.gov.uk)

19/12/2007

**Ball, Steve J**

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**From:** Gay, Paul  
**Sent:** 12 December 2007 16:48  
**To:** Ball, Steve J  
**Cc:** Perkins, Christopher  
**Subject:** FW: Waterfront Barry - Scoping Opinion  
**Sensitivity:** Confidential

Steve –  
Please find comments from Chris as promised.  
Regards, Paul

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**From:** Perkins, Christopher  
**Sent:** 12 December 2007 16:34  
**To:** Gay, Paul  
**Cc:** Bosley, Allan P  
**Subject:** RE: Waterfront Barry - Scoping Opinion  
**Sensitivity:** Confidential

Paul

The following issues need to be considered;

- Coastal flood risk management
  - Management of Old Harbour sea defences, flood risk from sea level rise
  - Management of ABP Dock gates, flood risk from sea level rise
  - Coastal management policy for this section is "hold the line"
- Contaminated land both plots, ABP have done preparatory works in the past, however this was done some years ago and may now require additional work due to changes in legislation.
- Made ground in many areas
- Ground water regime is tidal
- Investigation of existing watercourses?
- Surface water discharge to dock, consent from ABP/EA
- Existing and proposed highway drainage, Existing Petrol interceptors (2No.) adjacent to the development plots (at Rbt.)
- Public rights of way? Clive Road Steps
- Management of the escarpment to the rear of Barry Island residential area, in terms of stability and drainage
- Impact of adjacent land use, Vale of Glamorgan Railway Company/Network rail/EWS site (VGC) etc.
- Existing DCWW Pumping station
- Access to Barry Yacht Club/Jacksons Bay/RNLI/Barry Dock
- Habitats

Chris Perkins

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**From:** Gay, Paul  
**Sent:** 10 December 2007 10:54  
**To:** Perkins, Christopher  
**Subject:** FW: Waterfront Barry - Scoping Opinion  
**Sensitivity:** Confidential

19/12/2007

**Ball, Steve J**

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**From:** Gay, Paul  
**Sent:** 12 December 2007 16:47  
**To:** Ball, Steve J  
**Cc:** Bevan, Tom F; Hodge, Tony; Perkins, Christopher  
**Subject:** RE: Waterfront Barry - Scoping Opinion  
**Sensitivity:** Confidential

Steve --

I have run this information passed my Group Engineer Highway Development (Tom Bevan) and Group Engineer Highways and Traffic (Tony Hodge) and at this stage they have nothing to add. It has been noted that the extent of the TA was discussed at the meeting on Friday.  
We look forward to the workshop as proposed on Friday so that we can establish the Council's highway aspirations regarding the connection to the Island and our interpretation of Manual for Streets.

I have also asked Chris Perkins (Highway Structures and Engineering Projects) to look at the drainage/coastal issues and he will respond separately.

Regards, Paul

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**From:** Ball, Steve J  
**Sent:** 10 December 2007 10:38  
**To:** Quick, Robert J; Thomas, Rob; Abraham, Victoria L; Dent, John; Punter, Miles E; Gay, Paul; ecology; James, Kristian; Fray, Christopher  
**Cc:** 'enquiries@environment-agency.gov.uk'; 'Neil Maylan'  
**Subject:** Waterfront Barry - Scoping Opinion  
**Sensitivity:** Confidential

Dear All,

Please be advised that I have just received a formal **Scoping Opinion** in respect of the required Environmental Impact Assessment for West Pond/ South Quay (Barry Waterfront Phase II).

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Thanks

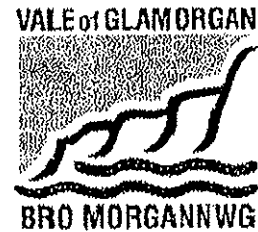
Steve

Steve Ball  
Principal Planning Officer (Development Control)

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19/12/2007

## Highway Observations



07 / 01682 / SC2

### Re:- Sites C & D – West Pond & South Quay, Barry Waterfront.

In relation to the above application the Highway Authority would advise the Local Planning Authority that there are no objections to the development of sites " C " and " D " outlined in " Red " on the attached site Location Plan in principle subject to :-

- (1) The applicant submits for consideration by the Local Planning Authority a comprehensive Transport Assessment ( TA ) which shall take into account trip generation and distribution for all modes of transport inclusive of cycling and walking for the Local Highway Network and surrounding major and minor junctions which may be affected during the site remediation, the construction phases / period, generated by the completed mixed developments and of the Councils Highway Departments aspiration to for a direct route from Barry Island connecting to the end of the existing 7.3m wide Local Distributor Road ( Ffordd y Mileniwm ).
- (2) The Applicant / Developer is advised by the Local Planning Authority that the aforementioned aspired Local Distributor Road linking Barry Island and Ffordd y Mileniwm and associated junctions shall be designed in accordance with The Design Manual for Roads and Bridges with a width of not less than 7.3m for its entire length.

L. M. Howells  
20<sup>th</sup> December 2007

Planning Officer :-Steve J Ball

# MEMORANDUM / COFNOD

The Vale of Glamorgan Council  
Public Protection Services  
Legal, Public Protection and Housing Services Directorate  
Civic Offices, Holton Road  
BARRY, CF63 4RU

VALE of GLAMORGAN



To:	Mr S J Ball	From /	Kristian D James
Dept / Adran:		Oddi Wrth:	Pollution Section
Date/Dyddiad	18th December 2007	My Ref/Cyf	KDJ/217481
Your Ref /	P/DC/SJB/07/01682/SC2	Tel / Ffôn:	01446 709105
Eich Cyf:		Fax /	01446 709449
		Ffacs:	

Subject /  
Testyn: **Re: Planning Application No - 07/01682/SC2**  
**Sites C & D West Pond & South, The Waterfront, Barry.**  
**Mixed use development including residential, leisure, education,**  
**community facilities, hotel and retail use**

I refer to your memorandum received by this department on 12th December 2007, this department has Comments to make regarding the above application

We have reviewed the submissions by Nathaniel Lichfield & Partners. The submission covers most of the required information. However, we would add the following comment

## **Air Quality / Dust**

The Air Quality and Traffic Assessments shall include impact on the local main thoroughfares including data for anticipated traffic flows and contribution to air quality. The range of this assessment should include reference to knock on effects to all routes into Cardiff including Cogan and Merry Harrier intersections.

## **Dust**

The EIA should include details of scheme to control dust during demolition, remediation and construction phases

## **Noise**

The EIA should include details of scheme to control noise during demolition, remediation and construction phases

## **Land Contamination**

A full-contaminated land assessment and associated remedial strategy should be submitted with the Environmental Statement to be approved by the LPA. The assessment should contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the LPA:

A Phase I Preliminary Risk Assessment (Desk Study) should be submitted to the LPA for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination;



Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the LPA and Environment Agency must be fully established before any site surveys are commenced.

A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy should be submitted to the LPA. The LPA and Environment Agency must approve any such remedial works as required, prior to any remediation commencing on site. The remedial works must render harmless the identified contamination given the proposed end-use of the site and the surrounding environment including any controlled waters.

The approved remediation works should be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed.

Upon completion of the works, a verification report must be submitted to and approved by the LPA. The verification report should include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

#### End Use

Forethought is required to avoid possible conflict of amenity between end users including

- Noise between residential and non-residential
  - Odour from A3 establishments and industry
  - Artificial Lighting schemes
- now?*  
*Lighting Impact?*

We would welcome direct discussions with the developer and their consultants at the earliest opportunity.

Kristian D James  
Team Leader, Env Health (Pollution)

D.E.E.R
RECEIVED
ACTION BY <b>57B</b>
creating a better place NO: <b>268</b>
ACK:

RECEIVED

18 JAN 2008

ENVIRONMENTAL  
AND CLIMATE  
REGISTRATION

Asiantaeth yr  
Amgylchedd Cymru  
Environment  
Agency Wales

Mr Steve Ball  
Vale of Glamorgan Council  
Docks Office Subway Road  
Barry  
South Glamorgan  
CF63 4RT

Ein cyf/Our ref: SE/2007/104735/01-L01  
Eich cyf/Your ref: 2007/01682/SC2

Dyddiad/Date: 09 January 2008

Annwyl Mr Ball / Dear Mr Ball

## REQUEST FOR FORMAL SCOPING OPINION SITES C & D - WEST POND AND SOUTH QUAY, BARRY WATERFRONT

Thank you for consulting us on the scope of the Environmental Statement for the above site. We have considered the letter from Nathaniel Lichfield and Partners dated 27 November 2007. We have commented on the sections of the report as proposed in the above letter, and have additionally made reference to other issues that the developer should consider.

### Ecological assessment

We agree with the scope of the proposed ecological assessment.

There is a drain indicated on the OS map and this feature should be considered when drawing up the final development plan. Incorporating SuDS into this feature and creating wildlife habitat should be considered as an opportunity to enhance the biodiversity of the site.

Aerial photos indicate that there are buildings on the site. A bat survey should be carried out to ensure no bat habitat is disturbed as a result of the development.

### Water resources and flood risk

There are two licenced abstractions within 1.5 km of the site. It is the responsibility of the applicant to ensure that the development will not affect any water features (ie. wells, boreholes, springs, streams or ponds) in the area, including licensed and unlicensed abstractions.

The majority of sites C and D lie within Zone B as defined by the development advice

Asiantaeth yr Amgylchedd Cymru/Environment Agency Wales  
St Mellons Business Park, Fortran Road,, St Mellons,, Cardiff, CF03 0EY.  
Llinell gwasanaethau cwsmeriaid/Customer services line: 08708 506 506  
E-bost/Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)  
Cont/d..

TAN 15



www.environment-agency.gov.uk

map (dam) referred to under TAN 15. As indicated in the Water Resources & Flood Risk section of the scoping study submitted by Nathaniel Lichfield and Partners, a small portion of the site lies within Zone C2, and, as indicated, a flood consequence assessment should be undertaken and submitted to ourselves for consideration.

The Environmental Statement must consider the potential effects of surface water runoff as the development and its associated infrastructure has the potential to generate a significant volume of surface water run-off. The developer should refer to Section 8 of TAN15 Development and Flood Risk (July 2004).

It is recommended that the developer consults with the Local Authority's Engineers Department in order to establish that should any surface water drainage from this site be discharged to a watercourse, ditch or culvert (excluding statutory main rivers) that such discharge will not cause or exacerbate any flooding in this catchment.

The surface water drainage system of any new development should be designed in accordance with Sustainable Urban Drainage (SUDS) principles.

#### Ground remediation

We agree with the scope of the ground remediation section of the report at this stage.

As stated in the letter, a scheme to deal with the risks associated with contamination of the site should be submitted. The scheme should include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

The method statement will also need to include provision for dealing with contamination not previously identified being found during the development.

In order to meet the above requirements The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.

Cont'd..

2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i.) Duty of Care Regulations 1991
- ii.) Hazardous Waste (England and Wales) Regulations 2005
- iii.) Waste Management Licensing Regulations 1994 (as amended)
- iii.) Pollution Prevention and Control Regulations (England and Wales) 2000
- iv.) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Please note that the proposed development lies within 250 metres of a former landfill site. This site received inert material such as top and subsoils only. We consider it unlikely that this is are producing landfill gas in any quantity sufficient to become hazardous. However, we would advise that as part of the remediation measures, that the applicant contacts a consultant competent in the investigation and assessment of a site which may have potential gas problems. Suitable remedial measures, as agreed with Local Authority, incorporated into the development should alleviate any possible problems. The applicant should be informed that the responsibility for the safe development and secure occupancy of this development rests with them. The comments and advice given above for the landfill site are made entirely without prejudice and without any liability, accepted, implied or given on behalf of the Environment Agency.

If the remediation works will involve dewatering the applicant should contact either our Water Resources team (tel: 02920 245139) or Groundwater team (tel: 02920245043) for more information. There is currently an exemption that applies to abstractions for dewatering, however this is likely to be removed (at a date after April 2008). Dewatering can still take place lawfully during this period. If the dewatering is long term (beyond April 2009), then an application may be required.

### **Foul drainage**

The ES should demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution of surface or ground water. As the site is located in a sewered area, any effluent disposal (whether sewage or trade) should be to foul sewer.

## **Pollution prevention**

The construction phase of the development would have the potential to cause water pollution. We note that a watercourse (drain) runs through the site area. The site also lies adjacent to No 1 Dock. We would expect the Environmental Statement to address the significant pollution risk posed by the construction phase and to provide details on the mitigation measures that are proposed to prevent pollution of watercourses by silt or other contaminants.

The Guidance document Pollution Prevention Guideline 6; "Working at construction and demolition sites", which is available on our website, gives best practice information for the storage of fuels and waste disposal during construction works. The developer should make themselves familiar with the guidance prior to the commencement of any activities. Please see [www.environment-agency.gov.uk/ppg](http://www.environment-agency.gov.uk/ppg) for further information. The developer should also follow the guidance contained within the leaflet 'Silt Pollution and How to Avoid It', which is also available on our website.

We would require full consultation should this development proceed. Prior to works commencing a Method Statement should be agreed with us. This should include all measures taken to prevent detriment to the environment and any contingency plans, with reference in particular to the minimisation of risk of pollution of watercourses and waterbodies with silt, and the storage of fuels and any other hazardous materials stored on site. The method statement should also take into account the protection of groundwater.

Access roads on site should be constructed in such a way, and of such material, that suspended solids are not allowed to wash off site and discharge to watercourses or waterbodies during periods of heavy rain. Where there is a risk of such a discharge, adequate interception facilities should be put in place to ensure that there is no adverse effect on water quality. The developer should consider the construction of temporary silt traps and provision should be made for their maintenance. Roadside drains likely to carry high sediment loads must not be allowed to discharge directly to watercourses. No rainwater contaminated with silt/soil from disturbed ground during construction must drain to watercourses without sufficient settlement.

Where there is a likelihood of site drainage containing suspended solids and/or silt the effluent should be contained within a settlement lagoon or similar facility, such that any discharge from site be free of suspended solids. These facilities should be capable of containing the effluent from a 1 in 100 year plus 20% rainfall event.

Fuel and oil storage and refuelling operations on site should be contained within a bunded area to ensure that no spillage can escape into the aquatic environment.

Any washing out facilities for concrete mixers on site should be constructed in such a way that all effluent produced is contained and this effluent should be disposed of in accordance with all current waste management legislation.

## **Additional information**

There is no mention of abstracting for any purpose in the proposal but the applicants should be aware if they intend to abstract from any inland water or underground strata under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Environment Agency. This is dependent on water

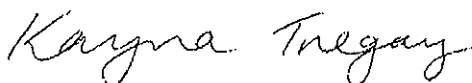
resource availability and may not be granted. Under the terms of the Water Resources Act 1991, an Impounding Licence may be required from the Environment Agency for the impounding of any watercourse, ditch or stream (e.g. by dam, weir etc).

The applicant should also be aware that there is an ordinary watercourse running through Site C and pursuant to Section 23 of Land Drainage Act 1991, the prior formal flood defence consent of the Environment Agency is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936. The Environment Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

The responsibility for the maintenance and good order of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.

I trust the above is clear and helpful, but should you have any queries, please do not hesitate to contact me.

Yn ddifffuant / Yours sincerely



**Miss Kayna Tregay**  
**Planning Liaison Officer**

Delalu uniongyrchol/Direct dial 02920 245046  
Ffacs uniongyrchol/Direct fax 02920 362920  
E-bost uniongyrchol/Direct e-mail [kayna.tregay@environment-agency.gov.uk](mailto:kayna.tregay@environment-agency.gov.uk)

End