

**Adran Tai ac Adfywio  
Department for Housing and Regeneration**

Paul Williams  
Associate Director - Planning  
Savills  
12 Windsor Place,  
Cardiff, CF10 3BY



Llywodraeth Cymru  
Welsh Government

Ein Cyf/Our ref: qA1106274  
Dyddiad/Date: 17 July 2013

Dear Mr Williams

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
(ENGLAND AND WALES) REGULATIONS 1999 (AS AMENDED)  
PROPOSED RESIDENTIAL DEVELOPMENT AT LAND SOUTH OF THE RAILWAY  
LINE, TREM ECHNI, RHOOSE POINT, RHOOSE**

1. I refer to the your client's application for planning permission made to the Vale of Glamorgan Council and received by them on 28 August 2012.
2. Representations have been made to the Welsh Ministers to use their powers under the above regulations to make a screening direction that the above proposed development was 'EIA development' within the meaning of the EIA Regulations 1999 (as amended)
3. I am authorised by the Minister for Housing and Regeneration to provide that screening direction.
4. To assist me in my consideration of whether EIA is required I sought advice from Natural Resources Wales (NRW). Their advice was:

"Thank you for consulting Natural Resources Wales (NRW) regarding the above consultation

As an EIA covers a number of matters outside of NRW's remit, we would look to your Authority to provide advice on the need for an EIA.

We have reviewed that the documents provided, in particular:  
"Rhoose Point, Vale of Glamorgan Ecological Mitigation Strategy"  
(TACP April 2013)  
"Rhoose Point, Vale of Glamorgan, Reptile Survey Report" (TACP  
September 2012)

*"Rhoose Point, Vale of Glamorgan Ecological Statement"* (TACP August 2012)

With regards to our remit, NRW considers that the potential impacts of the scheme do not require the production of an EIA. We are of the opinion that the potential impacts of the scheme can be dealt with through appropriately worded conditions and section 106 to secure the recommendations made in the first report listed above. With regard to asbestos matters we refer you to the local planning authority for their observations. We note the concerns raised regarding great crested newt, however given the nature and location of the site we do not believe that the favourable conservation status of the species will be affected.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species ([www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)).

5. Clarification was also sought from NRW that in providing their advice they had taken into account a letter that had been provided by a local amateur entomologist which detailed "rare and declining" invertebrate species which were believed to be present at the site. Their response was:

"I can confirm we took into account all the information forwarded to us regarding the above case, including the letter referred to in your email."
6. The Vale of Glamorgan Council was not contacted by Welsh Government Planning Division as suggested by NRW as the issue of asbestos on the site had been covered in the Geo-Technical and Geo-Environmental Report, which indicated an absence of asbestos on the site.
7. Having taken NRW's advice into account with the selection criteria in Schedule 3 to the 1999 Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment on establishing whether EIA is required, it is my opinion that the development the subject of the above appeal would not be likely to have significant effects on the environment, by virtue of factors such as its nature, size or location.
8. Accordingly, for the reasons given above and in exercise of the powers conferred by Regulation 4(7) of the 1999 Regulations and the authority referred to in paragraph 3 above, I hereby direct that the development the subject of this appeal is not "EIA development" within the meaning of the 1999 Regulations.
9. You will bear in mind that my opinion on the likelihood of this development having significant effects is reached only for the purposes of this direction.

10. I am copying this letter to the Vale of Glamorgan Council and to Natural Resources Wales.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S M Jones', written in a cursive style.

**Mr S M Jones**  
Deputy Head - Decisions Branch  
Planning Division

Signed under authority of the Minister for Housing and Regeneration,  
one of the Welsh Ministers.

