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Dear Mr Goldsworthy,

Town & Country Planning Act 1990
Town & Country Planning (EIA) (England & Wales) Regulations 1999 (as amended)

Regulation 5 request for an EIA screening opinion in respect of the proposed residential development at land west of Swanbridge Road, Sully

Savills is instructed by Taylor Wimpey UK Limited to prepare an outline planning application for residential development at land west of Swanbridge Road, Sully (herein referred to as the 'application site'). The purpose of this letter is to ask the Vale of Glamorgan Council to provide a formal EIA screening opinion, for the development proposed, under Regulation 5 of the *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999* (the 'EIA Regulations').

Under Part II, Section 5 of the EIA Regulations a person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion as to whether that development is EIA development. The Regulations require that a screening opinion request be accompanied by a plan sufficient to identify the land; a brief description of the development and of its possible effects on the environment; and such other information or representations as the person making the request may wish to provide or make.

In support of the request, this letter provides a brief description of the site, the proposed scheme and its possible environmental effects, and a plan indicating the proposed location is also enclosed.

In determining whether or not the proposed development requires EIA, the local planning authority is required to follow Part II, Section 4 of the EIA Regulations and the relevant schedules. Guidance is also set out in *Circular 2/99: Environmental Impact Assessment*. As you will be aware, section 5 (4) of the EIA Regulations states that the local planning authority shall adopt a screening opinion within three weeks of the date of receipt of a request, and I therefore look forward to receiving a response within this timescale.

Background: the site, policy and proposal

The application site is located on the north eastern edge of the settlement of Sully. It sits to the north of South Road (the B4267) and is bounded to the south by a disused railway line. The western boundary of the site comprises existing residential development. The northern and eastern boundaries of the site are defined by Cog Road and Swanbridge Road respectively – and beyond these roads by agricultural fields, Cog Farm and other dwellings to the north east and De Sully Grange to the east. A site location plan is enclosed with this letter.

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The site currently comprises farmland and measures approximately 30ha. It is divided into two parcels: the northern land which comprises of three smaller fields of improved grassland used for grazing livestock and the southern land which comprises a single, large field of arable farm land. There is a small pond in the central northern field. A substantial amount of survey work and site investigation work is being undertaken to inform the emerging proposals and indicative masterplan. This includes ecological survey work, landscape appraisal, ground conditions, agricultural land assessment, drainage and highways / access.

This work has confirmed that there are no statutory or local environmental designations affecting the site. Soltys Brewster Ecology has been commissioned to undertake a number of surveys and these have indicated that Great Crested Newts are present in the small pond on the site. Given their status as a European protected species, the pond will be retained and enhanced as part of the indicative masterplan (i.e. 50m buffer will be included). The hedgerows and trees around the field boundaries are likely to be of local value and these features will be retained and protected. An Extended Phase 1 Habitat Survey was undertaken in March 2012 and submitted to the Council to support the previously proposed allocation of the land during consultation on the Deposit LDP. This document is being updated but has not found any additional features.

Planning Policy

The site was proposed to be allocated in the Deposit LDP (February 2012) for residential development under policy MG2(25). Whilst this version of the plan is to be replaced later this year, the Council has undertaken its own recent assessment of the proposed site allocation and concluded that it can acceptably accommodate new development of the type proposed.

The Vale of Glamorgan Unitary Development Plan 1996-2011 despite having expired in 2011, is used by the Council as the local planning policy framework for the site and proposals. The UDP shows that the site lies outside the settlement limits for Sully but is not designated or protected for any environment or landscape purpose.

The Proposed Development

The proposal is to develop a new neighbourhood for Sully which will offer new homes, landscaping, open space and infrastructure. The scheme has not yet been designed, but will be developed for about 650 dwellings (to follow the LDP allocation). The majority of which will be family homes and depending on discussions with the Council, provision may also be made for a new primary school. The development will include areas of formal and informal open space and the pond will be retained and enhanced as part of the proposed development. Vehicular access is proposed to comprise two new junctions in the form of conventional roundabouts on the north west and south east corner of the site.

Consideration of the project against EIA Regulations and guidelines

Given its size, it is tempting to conclude that the scheme must be EIA development. It certainly means that EIA has to be considered (because it is much larger than the threshold for urban development projects in schedule 2). However, size alone is not the primary factor that triggers EIA. It is the characteristics of the project (in all its stages), together with the conditions and sensitivity of the site and the environment it will sit within that drive that process. The type and nature and *significance* of any impacts likely to occur is a third and consequent key consideration or criteria. On this basis, and because residential development is not a type of use where EIA is automatically required at any scale, the remainder of this letter provides our assessment of whether it is triggered for the proposed scheme in the proposed location.

This is based on our knowledge of the site and the proposals and is meant to be helpful. We recognise that it is for the Council to consider this information and make up its own mind. All we ask is that mind is kept open, despite the size of the scheme that is proposed.

Characteristics of the development

Schedule 3 states that the characteristics of the development must be considered having particular regard to: the size of the development; the cumulative effect with other development; the use of natural resources; the production of waste; the risk of accidents, having regard in particular to substances or technologies used.

In this context, it is unlikely that the scheme will have significant effects:

- **Nature of development.** Residential development is a conventional and inherently 'safe' form of land use. In the context of current legislation, policy and guidelines on sustainability and design, there is little risk of significant environmental harm arising as a result of the current proposal.
- **Size of development.** The proposals are for up to 650 dwellings. Whilst substantial, this does not mean that significant environmental effects will be triggered. Under paragraph A19, Circular 02/99 provides an example of **1,000** dwellings as a guideline amount for where residential development is more likely to require EIA (for sites which have 'not previously been intensively developed').
- **Cumulative effects.** Guidance on cumulative impacts is given at paragraph 46 of *Circular 02/99* which states that '*in judging whether the effects of a development are likely to be significant, local planning authorities should always have regard to the possible cumulative effects with any existing or approved development.*' The site has been previously considered by the Council to form part of the planned growth for the area; which incorporates policies to ensure the potential cumulative effects of the planned development are acceptable.

In summary, whilst the application is large at approximately 30ha, we do not consider that the *characteristics* of the development give rise to the need for EIA.

Location of the development

Schedule 3 states that the environmental sensitivity of geographical areas likely to be affected by development must be considered having particular regard to: the existing land use; the relative abundance, quality and regenerative capacity of natural resources in the area; the absorption capacity of the natural environment with particular reference to certain designated areas.

A large amount of survey work and site investigation has been carried out for the site. As a result, the applicant and consultant team has detailed knowledge and understanding of the site and the area it sits within. For the following reasons, this indicates that the site is not particularly sensitive or unusual and that any effects on it are unlikely to be significant:

- **Character of the site.** The proposed development represents a logical extension to Sully and is well contained and very well screened from the surrounding area. It also sits in an important and well connected spatial corridor which has been and will be the focus for growth. The proposed new housing would be compatible with neighbouring land uses and the impacts would be no greater than those of the surrounding residential development.
- **Abundance, quality and regenerative capacity of natural resources:** The site is not significantly constrained by ecology or natural heritage. An Agricultural Land Assessment will be submitted as part of the application, however, early investigative work in this respect indicates that the loss of agricultural land will not be significant.
- **Existing evidence and policy justification.** The site has been identified as being suitable for residential development by the previous deposit LDP, which, during its preparation, will have taken into account a range of alternative sites, and key environmental impacts. No significant concerns about the site's condition or value were raised by the Council during this process.

- **Proximity of designations.** The application site is some distance from any national, regional or local designations. The nearest SSSI is the Cog Moor SSSI, some 500m from the northern boundary of the site. It is not affected by any policy designations (such as green belt or green wedge) and there are no landscape or heritage protection areas proposed or existing. The site and the area it sits within is not at risk of flooding (according to the TAN15 Development Advice Maps).

In this context, it is reasonable to conclude that the *location* of the development does not trigger the need for EIA.

Characteristics of the potential impact

Schedule 3 identifies the likely nature and significance of the effects of development as the third key test. Particular attention should on the one hand be given to the extent of the impact (geographical area and size of the affected population) and any transfrontier effects; and on the other to the magnitude and complexity of the impact; the probability of the impact; and the duration, frequency and reversibility of the impact.

In this context, the following points provide some guidance on whether the scheme's impacts trigger are significant and likely to trigger EIA:

- **Extent of the scheme's effects:** the effects of the scheme are likely to be well contained and not extensive.
- **No transfrontier impacts** are expected.
- **Lack of detrimental effects.** The proposed use of the land for housing is compatible with existing land uses that adjoin the site, which are almost wholly residential. The potential cumulative impact of additional traffic on the local road network will be considered as part of the Transport Assessment which will be submitted in support of the application (whether EIA is required or not).
- **Impacts are likely to be predictable, localised and manageable.** Effects are likely to be of only local significance and can be mitigated in terms of appropriate conditions (to control the construction stage for example).

On this basis, EIA does not appear to be triggered by the proposals.

Overall Significance of the Proposal

From the above analysis, it is clear that, despite its scale, the project may not require EIA. As we said earlier it is certainly large enough for the need to be considered – but EIA is not automatically required for new housing development and there is nothing to suggest that the site and surrounding area is sensitive. The impacts that the scheme triggers are conventional and predictable. This conclusion is also supported by the EIA Circular (02/99) which advises that Environmental Impact Assessment is required only for '*a very small proportion of the total number of Schedule 2 developments*' (paragraph 34) which fall into three main types of case:

- major developments which are more than local importance;
- developments which are proposed for particularly environmentally sensitive or vulnerable locations;
- for developments with unusually complex and potentially hazardous environmental effects.

It is clear that the scheme is not affected by the second and third points and, whilst it will increase the number of new homes that will be available in an area that needs them, the scheme is only likely to be of local importance. As a result, and using these three tests, the project may well not trigger the need for EIA.

Conclusion

Whilst the area proposed for residential development is relatively large – and is caught by schedule 2 of the EIA regulations, it is considered that the development can take place without causing significant environmental effects. This is because it is for a conventional use, that will cause predictable and manageable effects in a location which is not sensitive, designated or protected. This means that significant effects are unlikely to be caused by the scheme and EIA is not required – and this view is supported by the three “paragraph 34” tests.

As we said earlier in this letter, we recognise that the Council will wish to consider the information in this letter, but we trust our own analysis is useful in the decision making process. If we can be of any assistance in that process or in helping to accelerate a conclusion to it do please let me know. .

Yours sincerely



Paul Williams
Associate Director

Enc. Site Location Plan

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