

Date/Dyddiad: 25 June 2013

Ask for/Gofynwch am: Administration

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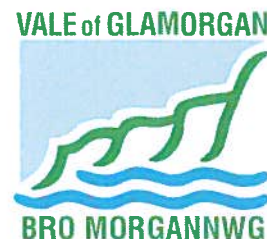
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Savills,
12, Windsor Place,
Cardiff.
CF10 3BY

Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999 : Part II Screening Paragraph 5
Residential development
at Land west of Swanbridge Road, Sully**

The Council has considered the details of the proposed scheme as detailed in the information submitted with the request for a screening opinion as to the requirement for an Environmental Impact Assessment received 4 June 2013.

The Local Planning Authority would advise that in their opinion an Environmental Impact Assessment is required for the following reason(s):

1. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics of the development, characteristics of the impacts and location of the site are such that the potential impacts of the development are likely to be significant upon the environment, for the reasons identified in the screening opinion attached.

Accordingly, it is considered that there is a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

Yours faithfully,

Head of Planning and Transportation

Taylor Wimpey UK Limited, C/o Agent
Savills, 12, Windsor Place, Cardiff., CF10 3BY

Land west of Swanbridge Road, Sully

Residential development

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 (as amended)

REGULATION 5 – REQUEST FOR SCREENING OPINION

Background

The Council has received a formal request from Savills for a screening opinion under the above regulations, proposed residential development for approximately 650 dwellings on fields measuring approximately 30 hectares to the east of Sully.

The proposal is as described in their letter and site plan received on the 4 June 2013.

On examination, it is considered that the proposal falls to be considered for EIA under Section 10 "Infrastructure Projects" and part (b) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended), which relates to "*Urban development projects, including the construction of shopping centre and car parks, sports stadiums, leisure centre and multiplex cinemas*"

The area of the site exceeds the threshold criteria, that being more than 0.5 hectares.

In assessing a development as to whether an Environmental Impact Assessment is needed, WO Circular 11/99 advises that the principal question to be asked is

"would this particular development be likely to have significant effects on the environment" (para. 32).

SITE AND CONTEXT

The site comprises fields that are located immediately to the east of the existing settlement of Sully, bounded by Cog Road to the north, Swanbridge Road to the east, the railway line to the south and existing dwellings to the west. The site comprises approximately 30 hectares of land in total.

DESCRIPTION OF DEVELOPMENT

The proposed development is for 650 dwellings, located on land between Cog Road and Swanbridge Road.

PLANNING HISTORY

None

CONSULTATIONS

None

REPRESENTATIONS

Public consultation was not carried out for this screening application, however, three letters have been received from members of the public. Two letters object to the merits of the planning application and the third letter states that an EIA should be required due to the size of the site, the urbanising effect it would have and the pollution impacts.

The Community Council have also submitted representations to advise that they consider an EIA should be required, along with archaeological and ecology surveys.

REPORT

The Local Planning Authority is required to consider whether the development has any significant impact on the environment, given the location and characteristics of the site and surroundings and thus whether it should be the subject of an Environmental Impact Assessment.

In reaching a screening opinion, the Council must have regard to the matters listed in Schedule 3 of the Regulations, which sets out the 'selection criteria' which must be taken into account in determining whether a development is likely to have significant effects on the environment.

This assessment must therefore examine the characteristics of the development (including its size, use of natural resources, quantities of pollution and waste generally), the environmental sensitivity of the site and the characteristics of the potential impact (including its magnitude and duration) (para. 33).

Welsh Office Circular 11/99 states that EIA will usually only be needed for Schedule 2 developments in three main types of case: a) for major developments which are of more than local importance; b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations); and c) for developments with unusually complex and potentially hazardous environmental effects. It also states that the number of cases of such development will be a very small proportion of the total number of Schedule 2 developments.

From a consideration of the proposal in the context of the site, and on the basis of the information provided by the applicants, the following conclusions are reached in relation to the Schedule 3 issues.

Characteristics of Development

The characteristics of development must be considered having regard, in particular, to –

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

The proposal relates to approximately 30 hectares of agricultural land. As the whole of the site falls outside of the residential settlement boundary of Sully, it is classified as falling within the countryside.

Welsh Office Circular 11/99 provides indicative thresholds as to when an EIA is more likely to be required and in terms of site area, the threshold is 5 hectares. In this case, the proposed site area would significantly exceed this threshold, amounting to approximately 30 hectares.

The Local Planning Authority must also assess whether the development will *“have significant urbanising effects in a previously non-urbanised area”*. The Circular suggests that this is likely to occur when developments are 1000 dwellings or more, however, given the size of the site and its existing appearance and character (undeveloped fields in the countryside) it is considered that 650 dwellings would have a significant urbanising effect, particularly across a 30 hectare area. Given the threshold set out in the Circular and the degree to which this would be exceeded, it is considered that, notwithstanding the context of the adjoining residential area, the urbanising effect of an area of 30 hectares would be significant.

There would be a cumulative impact with the existing settlement, however, it is considered on the basis of the proposed development alone that the size of the developments would have significant impacts in this respect.

In terms of traffic, any planning application would have to be accompanied by a full assessment of impacts within a Transport Assessment (TA), however, given the scale of the development it is considered that there is a likelihood that the traffic impacts would be significant, both in terms of the vehicle numbers associated with the development and the extent of the wider highway network that would be affected.

A residential development of this size would use natural resources in the construction of the dwellings and associated infrastructure and would result in the production of waste and pollution (from traffic, construction etc). Having regard to the advice within the circular, the development is of a significantly greater scale than the previous/existing use and, therefore, it is considered that the level of pollution and noise/nuisance associated with the development may be significant, such that an EIA would be required to fully assess those factors.

It is considered that there is limited risk of accidents from the development.

Location of Development

It is necessary to assess the area for its environmental sensitivity, and whether any part of the development would be carried out in a sensitive area. The EIA Regulations provide definitions of those areas that are regarded as 'sensitive', and this includes:

- Sites of Special Scientific Interest (SSSI),
- National Parks,
- Areas of Outstanding Natural Beauty (AONB),
- World Heritage Sites,
- Conservation Areas,
- Scheduled Ancient Monuments, and
- Internationally designated sites.

Circular 11/99 advises that *"the relationship between a proposed development and its location is a crucial consideration. 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."*

It goes on to state that:

For any Schedule 2 development, EIA is more likely to be required if it would be likely to have significant effects on the special character of any of the other types of 'sensitive area' or the New Forest Heritage Area. However, it does not follow that every Schedule 2 development in (or affecting) these areas will automatically require EIA. In each case, it will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location.

The site in question is located in the countryside, however, it is not located within a Special Landscape Area or any other statutory designation listed above. The nearest SSSI is approximately 460m away and it is considered that the degree of physical separation is such that the proposal would not have a significant impact on this.

The environmental sensitivity of geographical areas likely to be affected by development must also be considered having regard in particular to –

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
- (c) the absorption capacity of the natural environment,
- (d) areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
- (e) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
- (f) densely populated areas;
- (g) landscapes of historical, cultural or archaeological significance.

The site falls within grazing and arable farmland and therefore the proposal will result in the loss of agricultural land. An Agricultural Development Advisory Service (ADAS) report carried out in 2012 has classified part of the site as Grade 3a (approximately 7 hectares in the southern portion of the site). Grade 3a is considered as good quality agricultural land and this is reflected in Policy ENV 2 of the Council's Unitary Development Plan, which seeks to protect the highest quality grades from irreversible development (grades 1, 2 and 3a).

It is, therefore, considered that the proposal would adversely impact on the abundance, quality and regenerative capacity of natural resources in the area, since the development would irreversibly and adversely affect the agricultural quality of the land and the availability of good quality agricultural land in the area.

Great Crested Newts have been identified on the site, however, it is considered that this factor alone does not necessitate an EIA. Notwithstanding this, further work would be required at the planning application stage to demonstrate how this species would be adequately protected as part of any development.

The site does not fall within an area classified or protected under Member States' legislation or within an area where the environmental quality standards laid down in Community legislation have already been exceeded.

Characteristics of the Potential Impact

The potential significant effects of development must have particular regard in particular to:

- (a) the extent of the impact (geographical area and size of the affected population);

- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

As identified above, the proposed development would potentially be sited across an area of around 30 hectares and consequently the development would have a significant and fundamental impact on a large area of land (30 hectares, relative to an indicative threshold of 5 hectares in circular 11/99).

In respect of the second and third criteria, while there may not necessarily be a transfrontier impact, it is considered that the magnitude of the impacts would potentially be significant, for the reasons given above.

The probability of the impact would theoretically be 100% and the duration of the impacts would be continuous and, while these factors alone may not necessitate an EIA (given that this would infer all residential developments require an EIA) this is material in this case insofar as significant impacts have been identified above, given the size and scale of the development, the urbanising effect the development would have, the traffic related impacts and impacts on high quality agricultural land. Therefore, these identified significant impacts would be 'certain', continuous and unlikely to be reversed.

CONCLUSION

Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics of the development, characteristics of the impacts and location of the site are such that the potential impacts of the development are likely to be significant upon the environment, for the reasons identified in the screening opinion attached.

Accordingly, it is considered that there is a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

RECOMMENDATION – OFFICER DELEGATED

An Environmental Impact Assessment is required.

1. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics of the development, characteristics of the impacts and location of the site are such that the potential impacts of the development are likely to be significant upon the environment, for the reasons identified in the screening opinion attached.

Accordingly, it is considered that there is a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

NOTE:

- 1. Please note that the Council's Screening Opinion comprises this decision letter and the accompanying Screening Report.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.