

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

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Llywodraeth Cymru
Welsh Government

Ein Cyf/Our ref: qA1146378
Dyddiad/Date: 9 April 2014

Dear Sir

**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 NORTH OF THE RAILWAY LINE,
RHOOSE, VALE OF GLAMORGAN**

1. I refer to your request received 18 February 2014, made pursuant to regulation 5(6) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("the 1999 Regulations") for the Welsh Ministers to make a screening direction as to whether or not the development your clients propose is 'EIA development' within the meaning of the 1999 Regulations and whether an environmental statement is required.
2. I am authorised by the Minister for Housing and Regeneration to provide that screening direction.
3. The development proposed, namely "proposals for residential development, open space and primary school at Land North of the Railway Line, Rhooose", falls within the description at paragraph 10(b) of Schedule 2 to the 1999 Regulations. Since the proposal exceeds the threshold in column 2 of the table in Schedule 2 to the 1999 Regulations, I consider your proposal to be "Schedule 2 development" within the meaning of the 1999 Regulations.
4. The views of Cadw were sought and their advice in their minute of 14 March 2014 was:

"Thank you for your minute of 21 February 2014 asking for Cadw's view on the likely impact of the proposed development described above on the

environment and whether or not Environmental Impact Assessment (EIA) is required.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

Our records show that the following historic assets are potentially affected by the proposal.

Listed Buildings:

13428 Lower Farmhouse
83155 Lower Farm Cottage
83160 Rhoose County School

Scheduled Ancient Monuments:

GM029 The Bulwarks Camp

Registered Historic Parks and Gardens:

RHPG PGW(GM)39 Fonmon Castle

Registered Historic Landscapes:

HLW (SG) 1 Llancarfan, Vale Of Glamorgan

The proposed development does not directly impact on any of the listed buildings and is unlikely to impact on the setting, or cause any detrimental affect to any of the existing grade II listed buildings associated to the development area (Lower Farmhouse, Lower Farm Cottage and Rhoose County School). Any impact is likely to be limited further due to the nature of the existing landscape and vegetation within the area.

The development does not appear to have a direct impact on any scheduled monuments. GM029 - The Bulwarks Camp is located c 1km east of the proposed development. Views of or from the monument are unlikely to be significantly affected.

The boundary of the registered historic landscape is more than 4km to the north given the topography, the buildings associated with Cardiff International Airport and the settlement of Rhoose it is unlikely that the proposed development area will be visible.

There will be no direct physical impact on any of the designated sites of national importance identified and it is unlikely that the proposed development will have a significant impact on the settings of the historic assets identified. Cadw, therefore, does not consider that this effect, on the historic environment as a whole, will be significant enough to warrant an EIA."

5. Advice was also sought from Natural Resources Wales (NRW) and their advice in their letter dated 1 April 2014 was:

"Natural Resources Wales refers to your enquiry of 21st February 2014.

We understand that you seek our views on the need for Environmental Impact Assessment (EIA) given the development proposals and likelihood of significant environmental effects. Natural Resources Wales responds as follows;

Given their nature and distance from the proposed scheme, we are of the opinion that the scheme will not have significant adverse impacts on the Sites of Special Scientific Interest (SSSIs) listed in your letter, namely the Cliffwood-Golden Stairs SSSI and the East Aberthaw SSSI. It is our view that the information provided thus far is sufficient to assess the potential impacts of the proposed scheme on European Protected Species; great crested newts and bats. Those impacts that have been identified within the ecological reports associated with this application can be satisfactorily addressed by securing, through appropriately worded conditions, the recommendations made in those reports. Our view is therefore is that an EIA is not required.

We would also expect that other matters such as an effective surface water management scheme, foul water scheme and management of waste will be dealt with through suitable planning controls and other regulatory regimes. We suggest that the developer contact the Local Authority and Sewerage Undertaker (Dwr Cymru/Welsh Water) for their advice in respect of surface water and foul water disposal."

6. The Vale of Glamorgan Planning Department provided us with the following comments that they had received from the Council's Highways Department:

"from a transport point of view and when considered in context with the area, 350 units is a sizable development and will generate a significant amount of traffic. The recommended threshold (as per TAN 18 and DfT) for a Transport Assessment is 80-100 units +. The proposed development is well over the threshold and therefore will require a full Transport Assessment and Travel Plan. The scope of which should be set out and agreed with Highways. I would suggest the scope will need to be in-line with the development to the east, that has already been approved."

7. The proposed residential development falls within the description 'Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas' of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) ("the 1999 Regulations"). The residential development exceeds the applicable threshold in Column 2 of the 1999 Regulations.
8. In considering this case I have had regard to the selection criteria in Schedule 3 of the 1999 Regulations, the general advice contained in Welsh Office Circular 11/99: Environmental Impact Assessment ("Circular 11/99") and the Indicative Criteria contained in paragraph A18 and A19, Annex A of Circular 11/99 which states:

"Urban development projects (including the construction of shopping centres and car parks, sport stadiums, leisure centres and multiplex cinemas)"

A18. In addition to physical scale of such developments, particular consideration should be given to the potential increase in traffic, emissions and noise. EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the

previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.

A19. Development proposed for sites which have not previously been intensively developed are more likely to require EIA if:

The site area of the scheme is more than five hectares; or
It would provide a total of more than 10,000m³ of new commercial floorspace; or the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings)."

9. While it could be argued that when assessed against the above criteria EIA is not required, I accept that I must consider whether there are any other issues which would warrant the need for EIA as criteria and thresholds are only indicative.
10. With this in mind I have considered the advice from Cadw and NRW and the comments of the Council's Highways Department in the light of the selection criteria in Schedule 3 to the 1999 Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment ("Circular 11/99") on establishing whether EIA is required. The result of that consideration is that it is my view that the proposed development
 - (i) is not a major development of more than local importance, is not proposed within an environmentally sensitive or vulnerable location and is not likely to give rise to particularly complex and potentially hazardous effects; and
 - (ii) would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
11. Accordingly, for the reasons given above and in exercise of the powers conferred by regulations 5(6) and 6(4) of the 1999 Regulations and the authority referred to in paragraph 2 above, I hereby direct that the development the subject of this application is not "EIA development" within the meaning of the 1999 Regulations.
12. You should bear in mind that my opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.
13. I am copying this letter to the Vale of Glamorgan Council, Cadw and NRW.

Yours faithfully



Stephen M Jones
Deputy Head
Decisions Branch
Planning Division

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