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Byron Lewis,
Associated British Ports
Queen Alexandra House,
Cargo Road,
Cardiff.
CF10 4LY

Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999 : Part II Screening Paragraph 5
Solar Voltaic project 2 sites
at Atlantic Way, Port of Barry, Barry**

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 22 May 2014.

The Local Planning Authority would advise that in their opinion an Environmental Impact Assessment is not 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, location and any potential impact of the development as outlined in the supporting documentation is not likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is not considered to be 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,

A handwritten signature in black ink, appearing to read 'R. Thomas', written over a horizontal line.

Director of Development Services

ABP Queen Alexandra House, Cargo Rd., Cardiff., CF10 4LY

Atlantic Way, Port of Barry, Barry

Solar Voltaic project 2 sites

Solar Photovoltaic Array with generating capacity up to 12MW

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 for a formal screening opinion under the above regulations from Associated British Ports (ABP) who are proposing to submit a planning application for a ground mounted solar Photovoltaic (PV) system project in ABP Barry, South Wales with an output of up to 12MW, over an area of up to 30 Ha. The proposed development is considered to fall under Part 3(a) of Schedule 2 of The Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (hereon known as the EIA Regulations).

ABP have commissioned ABP Marine Environmental Research Ltd (ABPmer) to provide the Vale of Glamorgan Council with information on the proposed development, in order that a Screening Opinion can be adopted in accordance with Regulation 5 of the EIA Regulations.

The proposed development will be the use of underutilised land within an operational port. Having examined the potential key issues associated with the proposed development in accordance with the EIA Regulations

On examination, the proposal should be considered for EIA under Section 3 (a) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended), which relates to '*industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)*'.

The screening opinion is required since the proposal would exceed the threshold set out in this section of the regulations, i.e. that the development area would exceed 0.5 hectares in size.

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

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

SITE AND CONTEXT

The Port of Barry is located in South Wales, nine miles west of Cardiff on the northern shore of the Bristol Channel. In total, the port covers 644 acres and contains three docks (No 1, 2 and 3). The proposed development consists of two adjacent sites, both located on brownfield land within land wholly owned by ABP. The location of the two sites proposed for development are shown in Figure 1 of the applicants report.

The two sites are to the east of Dock No 2 and north of Dock No 3. Site 1 comprises an area of approximately 51 acres and currently contains an inert waste recycling operation (See Section 2.4), a stone mason, an unoccupied coal yard and some area of predominantly scrub vegetation. The southwest boundary of Site 1 backs onto the entrance channel and east breakwater of the outer harbour of the Port of Barry. In addition, the south east boundary of Site 1 is adjacent to the Bristol Channel and the Hayes Point to Bendrick Rock Site of Special Scientific Interest (SSSI) (see Section 2.2 for more information). Site 2 is smaller in area than Site 1, at approximately 24 acres and consists of underutilised and derelict land and scrub vegetation. Current tenants on Site 2 include an end of life vehicle processing operation and various light industrial and storage uses. The Cadoxton River runs alongside the eastern boundary of Site 2 where it then flows into the Bristol Channel.

Proposed Development

ABP are proposing to install PV panels across Sites 1 and 2. The panels would be installed in arrays, approximately 6m apart and angled southwards to maximise power generation. Fixed solar panels are proposed that can be installed within a few months and removed from the sites with minimal effects on the environment. It is anticipated the panels will be up to 3m in height and ground mounted to a shallow depth dependant on ground conditions. Details of the proposed development are to be defined as the project progresses however the proposed development is likely to include the construction of a security fence, access roads and associated infrastructure.

The proposed works may also include a substation and connection to the distribution network. As part of the proposed development some levelling of the land is likely to be required and several buildings, the majority of which are derelict, will also be demolished (approximately 10,100 sqm).

The proposed PV panels are stated as being temporary structures, which would be removed at the end of their 25 year lifespan and the site restored to its original agricultural state.

PLANNING HISTORY

None relevant

CONSULTATIONS

None.

REPRESENTATIONS

None.

REPORT

Issues

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 if any application is submitted.

In reaching a screening opinion, the Council must have regard to the matters listed in Schedule 2 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 the development

Annex B: Selection Criteria for Screening Schedule 2 Development – of the regulation advises that 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;

The risk of accidents, having regard in particular to substances or technologies used.

Visual impact

The information provided indicates that an area of a maximum of 30 hectares will be utilised for the installation of solar panels ground mounted on an angled metal framework with a maximum height of 3 metres above ground level.

Whilst this represents extensive ground coverage, it is considered that the size and extent of the development is not so large that its impact could be considered as being more than of local relevance / importance. In terms of the panels themselves, they will be restricted in height to a maximum of 3 metres above ground level.

The proposed development is not located within any landscape designations. The nearest sensitive receptors are residential areas approximately 300m from Site 1 and 100m from Site 2. There are no formal public rights of way crossing the Port of Barry. A public right of way/National Trail passes around the Port of Barry (Le. away from the coast). In addition one public right of way follows the coast from Hayes Point to Bendrick Rock, which then leads to a bridge across the Cadoxton River, immediately to the east of the proposed sites. The planning application will be supported by a Landscape and Visual Impact Assessment which will provide an evaluation of the environmental effects of the proposed development on the character, quality of the landscape and key public views and visual amenity. Measures will be taken to minimise effects where necessary such as appropriate landscaping and the treating of panels to minimise glare. Considering the low level nature of the proposed development, and the locational context, the proposed development is considered to have the potential to improve the character of the underutilised, derelict land and it is considered unlikely to result in any significant adverse impacts on the surrounding landscape character.

The submitted information also identifies that the installation method will have a relatively low impact on the existing ground conditions, which indicates that vegetation will continue to grow under and between the panels. In addition it is noted that the submissions refer to other schemes where it has been possible for smaller livestock animals to continue grazing between and beneath the solar panels, although it has not been specified that this will happen under this proposal.

Given the proposed size and potential prominence in local and more distant views, any application would still need to be accompanied by a landscape and visual assessment, and it has been asserted in the submissions for the screening opinion that such an assessment will be carried out in support of a full application.

As identified above the area to be covered by the solar area is substantial, however without a substantive visual assessment it is not yet clear to what extent the development would be visible from local and wider viewpoints. Nevertheless, it is considered that the extent of the impact would be relatively local and therefore limited, without any wider or regional impact, it is considered that the geographical area and population affected would nevertheless not be so great as to require an EIA to assess this issue.

The duration, frequency and reversibility of the impact can only be fully assessed on the submission of an application. However it is stated that the proposed PV panels would be temporary structures, removed at the end of their 25 year lifespan, and the use of deep foundations or piling would be avoided thereby ensuring that at the end of the life of the panels, the ground would be restored to its original agricultural state. In this regard the impact could be fully reversed.

There are no other large scale solar array developments constructed within the immediate/adjacent areas and the Council has not received any screening applications in the immediate vicinity of the site. It is, therefore, considered that there would not be a significant accumulation of impacts.

In respect of criteria c and d, it is considered that the development would not have significant impacts in respect of natural resource usage or waste production. With regard to criterion e, pollution and nuisances, it is considered unlikely that any noise associated with the equipment would be so significant so as to necessitate an EIA, particularly given that the nearest residential property is in the region of 90 m from the site in Bendrick Road. Nevertheless this matter would need to be considered should an application be submitted.

Finally, given the nature of the proposed development, which does not as a primary function involve dangerous substances or technologies, it is considered that the development would not require an EIA as a consequence of this criterion.

It should be noted that while Circular 11:99 gives guidance on thresholds where an EIA will be likely to be required for wind energy, no such advice is given in respect of solar energy.

Location

The next test required is to assess the area for its environmental sensitivity, as to 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', which 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.

the following designated sites are located within 5km of the proposed development:

Severn Estuary Ramsar;
Severn Estuary Special Area of Conservation;
Severn Estuary Special Protection Area;
Barry Island SSSI;
Barry Woodlands SSSI;

Cliff Woods-Goldern Stairs SSSI and Local Nature Reserve (LNR);

- Cog Moors SSSI;

- Cosmeston lakes SSSI;

Cwm Talwg Woodlands LNR;

- Hayes Point to Bendrick Rock SSSI;

- Penarth Coast SSSI;

Severn Estuary SSSI; and

- Sully Island SSSI.

The closest designated site to the proposed works is Hayes Point to Bendrick Point SSSI which is adjacent to Site 1. Designated in 1986, the SSSI is approximately 29.5 hectares in area and located over a 1.8 km stretch of coastline to the south east of Barry on the northern shore of the Bristol Channel. The two key features of the SSSI are of geological significance, specifically rock exposures and "dinosaur" footprints/tracks.

Considering the nature of the significant features of this site and the distance from the proposed developments, no effects on this or any other designated site are anticipated, however consideration will be given to this sensitive area where necessary including as part of the FCA.

The current land use of the site consists of underutilised, derelict land and a Phase 1 ecology survey was undertaken on the 11/12 April 2014 and the results and subsequent report will be submitted with a planning application. Initial results suggest there is some potential for common nesting bird species within the vegetation. Following the draft Desk Study and Extended Phase 1 Habitat Survey, it was recommended that any necessary site clearance of trees and shrubs be undertaken outside of the bird breeding season. A Phase 2 survey is currently underway to check for the presence of common reptile species. A local Biological Records Centre data search request has been logged and the results will also be incorporated within these surveys. The site is considered to have the potential for the proposed development to provide ecological enhancements and no significant adverse effects on ecological features are anticipated.

Accordingly, it is considered that the site does not fall within the definition of a 'particularly environmentally sensitive location', as set out within Circular 11/99, and that an Environmental Statement is not required due to the sensitivity of the location.

Access

The proposed development will generate a small increase in traffic movements during construction including Heavy Goods Vehicles, however the existing road network already accommodates such movements associated with normal port operations. Site 1 and 2 are considered to have good access through roads within the Port of Barry.

No new access is proposed to the public highway. It is envisaged that some infrastructure will be shipped to the port directly and any increases in traffic will be confined to the Port of Barry. Therefore no significant effects are anticipated.

Although there could be impact from the proposed construction work, it is anticipated that this could be mitigated through techniques and procedures that could be outlined in any planning application through a transport statement. Therefore it is considered that the above is not a matter requiring a formal EIA.

Ground conditions and hydrology:

A significant part of the proposed site is identified as lying within flood Zone C2. The proposed development will raise levels on the site where required to meet Technical Advice Note (TAN) 15 (Development and Flooding Risk). This will therefore mean that a Flood Consequences Assessment will be required as part of any planning application.

The Cadoxton River flows adjacent to the eastern boundary of Site 2. NRW collects water samples at regular intervals along rivers and canals to analyse chemical, biological, nitrate and phosphate properties, with the last published data reported for the river from 2009. For the Cadoxton River, chemistry and biology were reported 'B' grade (measured A-F; very good to bad) and nitrate and phosphate were reported '3' and '4' (measured 1 to 6; very low to very high levels), respectively.

Water quality in the area surrounding the Port of Barry is also discussed in NRW's Western Wales River Basin Management Plan (RBMP). With specific regard to the Cadoxton River, current chemical status is good and it is thought this will also be achieved in 2015. However, ecological status is currently moderate and unlikely to achieve good status by 2015, due to the biological element 'Fish' and supporting element 'Quantity and Dynamics of Flow'. The justification for not achieving good ecological status by 2015 is related to natural conditions and disproportionate costs, respectively. A revised objective is to achieve good ecological status by 2027.

The Western Wales RBMP also assesses groundwater quality, suggesting that the 'Thaw and Cadoxton Jurassic Lias' waterbody has good chemical status and poor (low confidence) quantitative status. 'Impact on Surface Waters' is highlighted as the cause of not currently achieving good quantitative status, and disproportionate costs justify why this groundwater is not predicted to achieve good status by 2015. The 'Bristol Channel Inner North' coastal water body is considered to have currently good ecological and chemical status, which is also predicted to be the case in 2015.

The nearest groundwater source protection zone is an Inner Zone (Zone 1) approximately 800m to the north of Site 2 and due to the distance from the proposed works will not be effected.

During operation, it is considered that rainfall falling onto the PV panels will directly run off into the ground beneath the panels as it does in the existing site. Therefore considering the nature of solar farms including the general non-intrusive nature and the small size of area overlapping with flood zones, no potential effects on flood risk or water quality are anticipated. Nevertheless, in support of a planning consent it is proposed that a Flood Consequence Assessment (FCA) will be undertaken.

Contaminated Land and Waste

There are records of historic landfill across both Sites 1 and 2. Site 1 is located within 'Barry Docks Area A and B' historic landfill due to the operation of the site by BP Chemicals Limited between 1945 and 1994. The northern part of Site 2 is located within the 'Atlantic Trading Estate' historic landfill and the 'Barry Dock No.1' historic landfill (Environment Agency, 2014). In addition, the site includes two currently licenced waste management facilities for end of life vehicles.

Following discussions with solar panel supply and installation contractors, ground disturbance is expected to be minimal due to the non-intrusive nature of these works. However, due to the known previous use of the land a contaminated land report is to be produced to consider any potential effects of the project works. Given the general non-intrusive nature of solar farms the potential for affecting any underlying contaminated land such a report is considered to be necessary as part of the planning application process.

Heritage and Archaeology

No listed buildings are located in close proximity to either Site. A scheduled ancient monument has been identified in the north of Site 1 and it is referred to as 'Round Barrow 612m N of Bendrick Rock' (Figure 3). Round barrows are hemispherical mounds of earth which were built up and used as burial sites.

The solar panels will be a ground mounted ballasted foundation installation and will not require intrusive foundations and therefore no significant effects, above or below ground are anticipated on heritage interests. Nevertheless a heritage and archaeology desk study will be required to be submitted with the planning application.

Noise and Air Quality

There is likely to be a small increase in noise and dust associated with the construction phase of the proposed development. This will be short term and unlikely to affect nearby sensitive receptors or exceed existing levels associated with normal port operations. Effects from noise and dust will be managed and its recommended that these issues are dealt with through the planning application process.

Conclusions

The proposed development will be a medium term use of underutilised and derelict land within an operational port and is considered to have the potential to enhance the Sites. Having examined the potential key issues associated with the proposed development in accordance with the EIA Regulations, it is concluded that the development proposals size, characteristics and location fall below the relevant thresholds for EIA and an EIA is therefore not required due to the following key reasons:

- The proposed sites are not located within or impacting upon a sensitive area as defined by the EIA Regulations; and
- The proposed development is no more than of local importance and will not result in significant adverse environmental impacts.

It is proposed that the following supporting information will be submitted with the planning application so that the Vale of Glamorgan Council has sufficient information on which to determine consent:

- Phase 1 and Phase 2 ecological assessment;
- Landscape and visual assessment;
- Contaminated land report;
- Heritage desk study; and
- A design and access statement.

Planning Application

Notwithstanding the above, the following documents are considered necessary to accompany and support the planning application:-

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Flood Consequences Assessment
- Transport Statement
- Construction and Operational Management Statement
- Ecology Assessment
- Extended Phase 1 Habitat Survey / Ecology Assessment
- Archaeological/Cultural Heritage Assessment

In the absence of any overriding reason on the above or any other grounds, it is therefore the opinion of the Local Planning Authority that the form of development proposed does not require an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

Notwithstanding the above, the Local Planning Authority considers that any planning application should also be supported by full technical details and specifications including full details of the array and associated infrastructure including any substation, grid connection and other ancillary works and potential impacts of the development.

CONCLUSION

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.

In this respect, and taking into account each of the above, it is concluded from the information submitted that, whilst information regarding certain environmental issues will be required to support any application on this site, there is not considered to be 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

An Environmental Impact Assessment is not 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, location and any potential impact of the development as outlined in the supporting documentation is not likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is not considered to be 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:

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.