

15th December 2014

Minerals and Waste Planning Section
Vale of Glamorgan Council
Dock Offices
Barry
CF63 4RT

Our Ref: 407.05238.00001

Dear Sir/Madam

**RE: PART OF FORMER ELY BRICKWORKS
REQUEST FOR SCREENING OPINION IN ACCORDANCE WITH THE TOWN AND
COUNTRY PLANNING (EIA) REGULATIONS 2011**

Ermaer Ltd ('the applicant') is intending to submit a full planning application for the proposed importation of inert wastes and the restoration of part of the land that formerly constituted the Ely Brickworks, located at Woden Park, off Cwrt Yr Ala, CF5 5LB ('the application site'). In accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) ('The Regulations'), this letter represents a formal request for a Screening Opinion from Vale of Glamorgan Council ('VoG') as the minerals planning authority.

The request for a Screening Opinion is made in accordance with Regulation 5 of the Regulations which provide for a prospective applicant to request from the relevant planning authority 'a written statement as to whether the development is an Environmental Impact Assessment development' known as a 'screening opinion'. Such requests need to be accompanied by:

- A plan to identify the land;
- A brief description of the nature and purpose of the development and its possible effects on the environment; and
- Such other information or representations considered apposite to the formulation of the opinion.

This statement and the accompanying drawings are intended to provide the necessary information.

Site Location

The application site comprises an area of the former Ely Brickworks which is located adjacent to the A4232 road at Grid Reference 314085,174516. The former brickworks is served by an access track that is some 750m long and runs in a generally north-easterly direction from Cwrt-yr-ala roughly parallel to the A4232.

The application site is located entirely within the administrative area of VoG, although access via Cwrt-yr-ala is achieved via Cardiff Council highways.

The site constitutes the 750m long haul road and two previously extracted areas. Each has a base level of some 40m AOD and rise some 30m to 70m AOD. The land is defined to the north by a mature tree belt beyond which lies the A4232. To the south is the recently constructed solar panel farm (permission ref: 2013/00895/FUL), beyond which are the fields associated with Pen-y-lan Farm.

The application site itself extends to approximately 7.6 hectares as illustrated on Drawing 01: Site Boundary.

Planning Context

The Brickworks at Ely closed in the 1960's and the associated pits, including those within the application site, are classified as "dormant" sites under the 1990 Environment Act. However, the site is acknowledged to benefit from an extant planning permission for mineral extraction. Policy MG22 of the emerging VoG Local Development Plan identifies the extent of the former Ely Brickworks that lies within the Council and seeks to prevent further mineral extraction.

The site lies entirely within the Cwrt-yr-ala Basin Special Landscape Area which covers an extensive area to the north-west of Penarth. The Leckwith Woods Site of Importance for Nature Conservation (SINC) lies immediately to the west of the site.

The site is not located within a designated flood plain and is not subject to any other national or international designations.

Application proposal

The planning application will seek permission for the importation of inert wastes predominantly from the Cardiff and VoG areas with the progressive restoration of the former mineral working areas within the site. In order to achieve stability, and appropriate engineering of the site, initial works will involve the removal of some 60,000 m³ of clays which will either be utilized on site for engineering purposes with any surplus volumes removed off site for sale.

This activity will deepen the pits by between 1m and 6m. This operation will be followed by the commencement of importation of inert wastes at an estimated rate of 30-40,000 tonnes per annum (tpa). It is anticipated that the restoration operation will take some 5-6 years to complete. The application will be accompanied by a full set of plans that set out the phased nature of the development.

All imported material will comply with the Natural Resources Wales permit that will be in place before the commencement of development. This permit will require that all operations are undertaken in accordance with strict management requirements imposed by the terms of the Permit. Details of all plant will be set out in the application and controlled and maintained in accordance with any relevant planning permission, and the Permit.

It is predicted that, on the basis of up to 40,000 tpa imported material, this equates to an average of 20 vehicle movements (10 in and 10 out) per day. All vehicles will enter and exit via Cwrt-yr-ala.

Following completion of the operations, the site will be restored to appropriate levels as shown on the indicative plans (Ref: Drawing 4). The proposed restoration accords with the aims of Policy MIN 10 of the adopted VoG UDP which seeks to secure the restoration and landscaping of defined former mineral working sites including the former Ely Brickworks site.

Statutory Context

Under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) the following definitions are given:

- “*EIA development*” means development which is either
 - a) Schedule 1 development; or
 - b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
- “*Schedule 2 development*” means development, other an exempt development, of a description mentioned in column 1 of the table in Schedule 2 where
 - a) Any part of that development is to be carried out in a sensitive area; or
 - b) Any applicable threshold or criterion in the corresponding part of column 2 of that table is respectively exceeded or met in relation to that development.
- “*Sensitive area*” is defined in the Regulations and, in general terms, includes any area of national importance due to its historic, landscape or ecological value.

An application should be considered as an ‘EIA development’ only if the particular type of development and its specific impacts are likely in that particular location to result in significant effects on the environment.

The proposed operations do not fall within any Schedule 1 category, and therefore an EIA is not mandatory.

Schedule 2 includes, at category 11 (b), “*Installations for the disposal of waste*”. The category sets out the following criteria:

For installations (including landfill sites) for the deposit, recovery and/or disposal of household, industrial and/or commercial wastes (as defined by the Controlled Waste Regulations 1992) EIA is more likely to be required where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 hectares or more. Sites taking smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites, are unlikely to require EIA.

The proposed development will only accept inert waste for restoration purposes, will not accept more than 50,000 tpa, and is less than 10 hectares. It is therefore concluded that the application proposal is not of a development type listed in either Schedule 1 or Schedule 2.

DETR Circular 2/99 provides guidance on the application of the Regulations, and in Annex A examines the “*indicative thresholds and criteria for the identification of Schedule 2 development requiring EIA*”.

Should the view be taken that a proposal is ‘Schedule 2 development’ then EIA is not automatically required, it is stated at paragraph 32 of Circular 2/99 that “*the basic question to be asked is would this particular development be likely to have significant effects on the environment?*” In considering this question, planning authorities are advised to study the Schedule 3 to the Regulations which sets out the ‘selection criteria’ which must be taken into account. The selection criteria have been considered in relation to the proposals and the findings are summarised below.

Review of Selection Criteria for Screening ‘Schedule 2’ Development

In relation to the three categories of criteria contained in the Regulations the following observations are made:

1. *Characteristics of Development*

- (a) The development involves a modest development within a discrete, identified area for a temporary period of time;
- (b) There would be no significant cumulative impacts in relation to other developments in the locality;
- (c) The proposals would not use a substantial amount of, or significantly affect, natural resources;
- (d) The site is capable of accepting inert wastes and therefore will reduce the amount of waste inappropriately dealt with;
- (e) The operations are capable of being effectively controlled by planning conditions and other regulatory provisions; and
- (f) The risk of accidents would be slight.

The Applicant considers that the scheme would therefore comply with all of the criteria set out in paragraph 1 of Schedule 3 of the Regulations.

2. *Location of the Development*

- (a) The development area is in a location that is generally well-screened from sensitive properties;
- (b) The development would not materially affect any natural resource in the locality; and
- (c) Due to the circumstances of the proposed operations it is considered that the scheme could be accommodated within the local environment.

3. *Characteristics of the Potential Impacts*

In the light of the above, it is considered that the potential impacts are not significant in respect of their extent, magnitude, complexity and duration.

The proposed restoration scheme will not have a direct permanent impact on any feature of significance. The site is an unrestored brick pit at the periphery of a Special Landscape Area, and therefore the proposed restoration scheme will enhance this part of the SLA. Operational controls would be effectively controlled to ensure that environmental disturbance is minimised.

Application documents

In order to assist the Council in the determination of the planning application, it is intended to submit the following documents:

- Planning application forms duly completed and signed;
- Ownership and Agricultural Holdings Certificates duly completed and signed;

- Planning Application Supporting Statement;
- Transport Assessment;
- Application Plans; and
- Landscaping proposals for the site post-reclamation.

It is proposed that the Supporting Statement will include information and the necessary reviews and assessments of landscape, noise, dust, traffic and ecology.

Conclusion

It is concluded that an EIA is not considered to be required in support of the application submission.

In accordance with Regulation 6 of the EIA Regulations, the Council must issue the Screening Opinion within 21 days of receipt of this letter.

We look forward to receiving the Council opinion in due course and should you require further information, please do not hesitate to contact me.

Yours faithfully
SLR Consulting Limited

Will Ryan
Technical Director

Enc As above