

APPENDIX 1.1

Date/Dyddiad: 8 March 2019

Ask for/Gofynwch am: Administration

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Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2018/01431/SC1

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Dear Sir/Madam

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999 : Part II Screening Paragraph 5
Request for screening opinion
at Land at Upper Cosmeston Farm, Lavernock**

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 27 December 2018.

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 2017 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 likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is considered to be a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

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

Yours faithfully,

M. J. Goldsworthy

Head of Regeneration and Planning

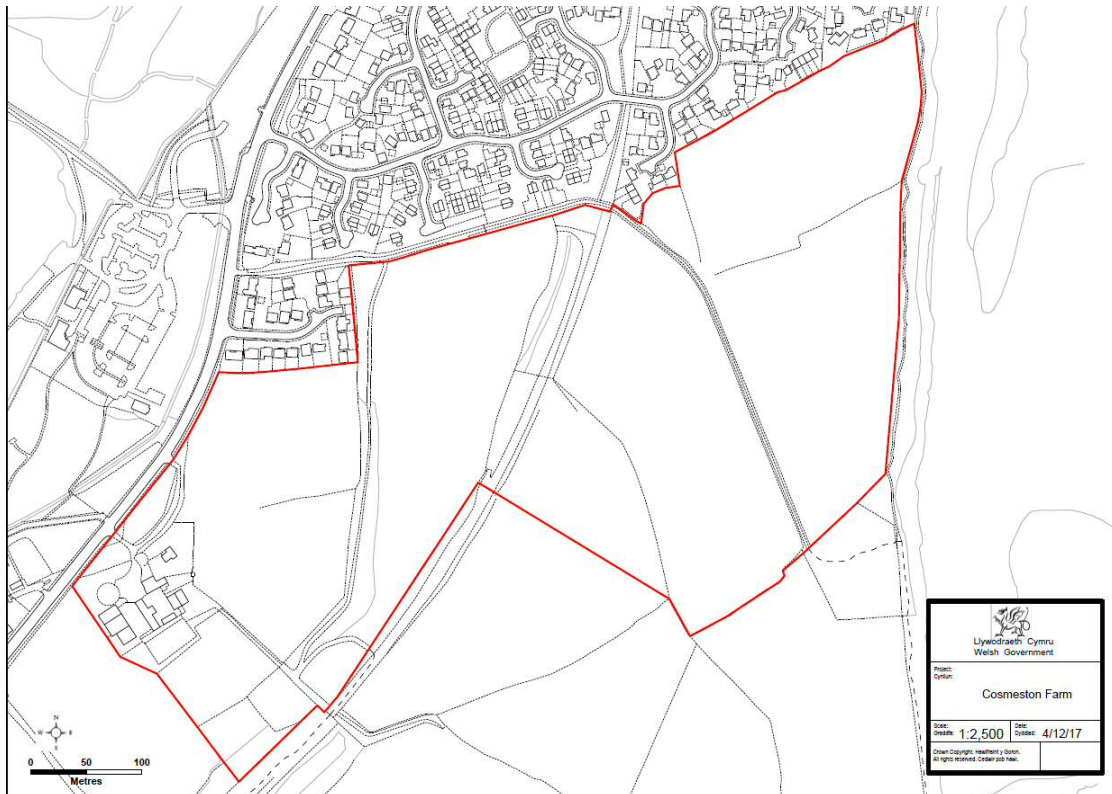
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Land at Upper Cosmeston Farm, Lavernock

Request for screening opinion

SITE AND CONTEXT

The site comprises of approximately 22.2 ha of land at the southern edge of Cosmeston. The majority of the site is in agricultural use and comprises seven field parcels. The site includes a section of disused railway line, part of the now dormant Lavernock Quarry, a former landfill site known as ‘Cosmeston No.1 Old Tip’, and a number of access tracks and pockets and corridors of woodland and vegetation.



DESCRIPTION OF DEVELOPMENT

The proposal is for residential development of the site. The precise number of proposed dwellings has not been defined; however the land has been allocated within the Local Development Plan for 576 houses as identified within Policy MG2 – Housing Allocation. In addition, 1.0 hectare of the site is allocated to provide a new primary and nursery school; 1.0 hectare for designated public open space and an additional 0.1 – 0.2 hectares for the provision of a new community facility, in accordance with Policies MG6, MG28 and MG7.

PLANNING HISTORY

No relevant planning history.

REPORT

The proposed development is primarily residential and located on land that is largely in agricultural use. Noting the site area and nature of the development, it is considered to fall within Schedule 2 of the Regulations as an urban development.

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.

Therefore, in reaching a screening opinion, the Council must have regard Schedule 3 which establishes the following criteria that must be taken into account in determining whether a scheme is likely to have *significant* effects relating to:

Characteristics of development;

- (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
- (g) the risk to human health

Indicative thresholds for EIA development are provided at Annex A of the Circular. It states that for infrastructure development, previously undeveloped sites are more likely to require EIA if the site is more than 5 hectares in size or will have a significant urbanising effect 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 (comprising largely undeveloped fields in the countryside) it is considered that c.576 dwellings would have a significant urbanising effect, particularly across a 22 hectare site, which is significantly higher than the guidance threshold contained in the Circular. In consideration of the threshold set out in the Circular and the degree to which this would be exceeded, it is considered that the urbanising effect of an area of 22 hectares would be significant.

There would be a cumulative urban impact together with the existing settlement, however, it is considered on the basis of the proposed development alone that the size of the development would have significant impacts in this respect and should require EIA. In terms of traffic, any planning application would have to be accompanied by a full assessment of impacts within a Transport Assessment (TA).

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 have a significant local impact. The impact upon air quality would require consideration and the application supported by an Air Quality Assessment, although the impact is anticipated to be of a local significance.

There is a former landfill area within the site and the potential impact in relation to contamination is considered in more detail below.

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

Location of development;

- (a) the existing and approved land use;
- (b) the abundance of natural resources in the area;
- (c) the absorption capacity of the natural environment.

The site is not located within a *sensitive* location as defined by the regulations. It is, however, located adjacent to the Penarth Coast and approx. 200m from Cosmeston Lakes Sites of Special Scientific Interest (SSSI). It is also situated adjacent to the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) & Ramsar Site. The development would not encroach upon these areas; however the potential for any indirect impact to these sites should be investigated.

The desk study identified that the aforementioned designated sites there was potential to support large populations of overwintering wildfowl and migratory fish species.

The site also likely supports European Protected Species (EPS) and an ecological assessment would be required to identify the impact upon EPS and to ensure that there is no detriment to the maintenance of their favourable conservation status.

It is noted the predominant features of the site are improved grassland and arable land, in addition there are areas of scrub and tall ruderal vegetation and these areas are not considered to be of significant ecological value. However, marshy grassland associated with designated sites, semi-improved acid grassland, aquatic features, the native hedgerow network, mature tree standards and broadleaved woodland present are considered to be of good ecological value given their potential to support protected and notable species.

There are also locally designated areas on and adjacent to the site boundary with the potential to support habitats of local biodiversity importance.

The site does not contain or lie within close proximity to any nationally or locally designated landscapes, with the exception of the section of Green Wedge encompassing the agricultural buildings of Lower Cosmeston Farm at the site's south-western corner, as identified within the Local Development Plan. No Public Rights of Way (PRoW) pass through the site, however the Wales Coastal Footpath runs directly adjacent to the site's eastern boundary.

The land is predicted to be of poor agricultural quality and the development would not warrant EIA in this respect.

A part of the site is located on an historic landfill, namely 'Cosmeston No.1 Old Tip' and so the site is potentially contaminated. This is considered in more detail below.

Given the proximity to known archaeological features Glamorgan Gwent Archaeological Trust has advised that an archaeological evaluation of the site will be required and that some parts of the site may need to be retained as open space in order to protect archaeological features. The impact of the development will require further assessment, but would not require EIA for this reason alone.

Characteristics of the potential impact;

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the onset, duration, frequency and reversibility of the impact
- (g) the cumulation of impact
- (h) the possibility of effectively reducing the impact

In relation to the landscape impact, the route may be well vegetated but the development has the potential to significantly impact upon viewpoints and the rural character of this part of the Coastal Path, especially should vegetation require clearance as part of the development. There is likely to be a significant impact upon the immediate Coastal Path, which is an important route of certainly regional importance.

The site does contain a number of notable landscape features in the form of tree belts and mixed condition hedgerow boundaries, although these are of a more local importance. There is likely to be some visual containment due to existing topography, natural features and built development considering the likely visual impact and other views within the landscape, although these should be considered in detail within a Landscape Visual Impact Assessment.

Cosmeston Lakes Country Park is also located in close proximity to the site, on the opposite side of the B4267, but is relatively well vegetated with the majority of outward facing views contained or heavily filtered by its boundary vegetation. The vegetation does however become less dense between the site and the medieval village to the south. The impact upon the character of this area should also be considered. It may be possible to mitigate these impacts through sensitive design; however the landscape impact as a whole is considered to require EIA.

In respect of ecology, it is noted that an Extended Phase I Habitat Survey was undertaken by Wardell Armstrong LLP in 2016, with further detailed surveys identifying the possible presence of protected species inc. Bats, Dormouse and Slow Worm. There are records of Water Voles at Cosmeston Lakes and if there is suitable habitat on the site further survey work may be required. The surveys have not been made available for this screening but should be submitted with any planning application. This opinion is therefore based upon the information within the submitted covering letter.

It is noted that an EPS licence would need to be secured for this development, however given the complexity of some of the potential impacts, including potential contaminants, the development is to also require EIA. There are also non-statutory designations in and adjacent to the site boundary and there is scope for the development to avoid and retain designated features, and further protect these from potential harm/damage/disturbance through the sensitive design.

The development can likely be designed to locate the majority of built development to areas of lesser ecological value and potentially retain the existing value of those areas within the site with higher ecological value and their existing connectivity.

Nevertheless the development has potential for *significant* impacts beyond those of local importance for biodiversity despite the potential for mitigation through design. In addition, there is the potential for indirect impacts to designated and locally designated sites and the species they support through hydrology and ground contamination, these impacts should be fully explored through EIA. The topic detail is to be established through a separate scoping opinion.

In relation to ground conditions it has been noted from the submitted environmental and geotechnical studies that localised contamination has been identified along with significant risks from ground gases. In addition, potential risks to the groundwater regime were noted.

The studies recommend further analysis as to the extent of these risks and the extent of remediation required. The impacts relating to ground conditions could be significant to human health considering the proposal is for residential development. In addition, there is potential for significant transboundary impacts should groundwater become contaminated as a consequence of development on the site. It may be possible to manage or mitigate these risks, but these matters are required to be considered via EIA.

A designated main river runs in the vicinity of the site and consultation with Natural Resources Wales will be required to determine the suitability of the main river to accept surface water run-off and Greenfield Runoff Rates. Sully Brook runs along the opposite side of Lavernock Road with the surface water from the adopted highways and existing developments in the vicinity of the site draining into this watercourse. The results of the percolation tests undertaken to date together with the established presence of in-filled quarries within the site boundary indicate that soakaways are unlikely to be feasible and therefore the suitability of the proposed drainage scheme will need to be considered.

REASON FOR RECOMMENDATION

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 that there is a requirement for a focussed Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. This is due to the size and urbanising effect of the development, it's visual impact within the landscape and coastal area, the presence of a former landfill on the site and the potential environmental impacts relating to contaminants and the likely complexity of some of these impacts to the local ecosystem, nearby designated sites and protected species.

RECOMMENDATION

An Environmental Impact Assessment is required.

1. Having regard to the key issues identified in Schedule 3 of the 2017 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 likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is considered to be a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

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.