

## **APPENDIX 1.2**

Date/Dyddiad: 5 April 2019

Ask for/Gofynwch am: Administration

Telephone/Rhif ffon: (01446) [REDACTED]

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2018/01432/SC2

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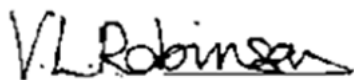
Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)  
(England and Wales) Regulations 1999 : Schedule 4  
Request for scoping opinion  
at Land at Upper Cosmeston Farm, Lavernock**

The Council in accordance with the application and plans registered by the Council on 24 December 2018 is of the opinion that the Environmental Impact Assessment submitted should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as referred to in the information details as submitted with the scoping request but should also include an assessment of the following:

The proposed Environmental Statement should cover those matters raised in the attached Officers report

Yours faithfully,



Operational Manager Development Management

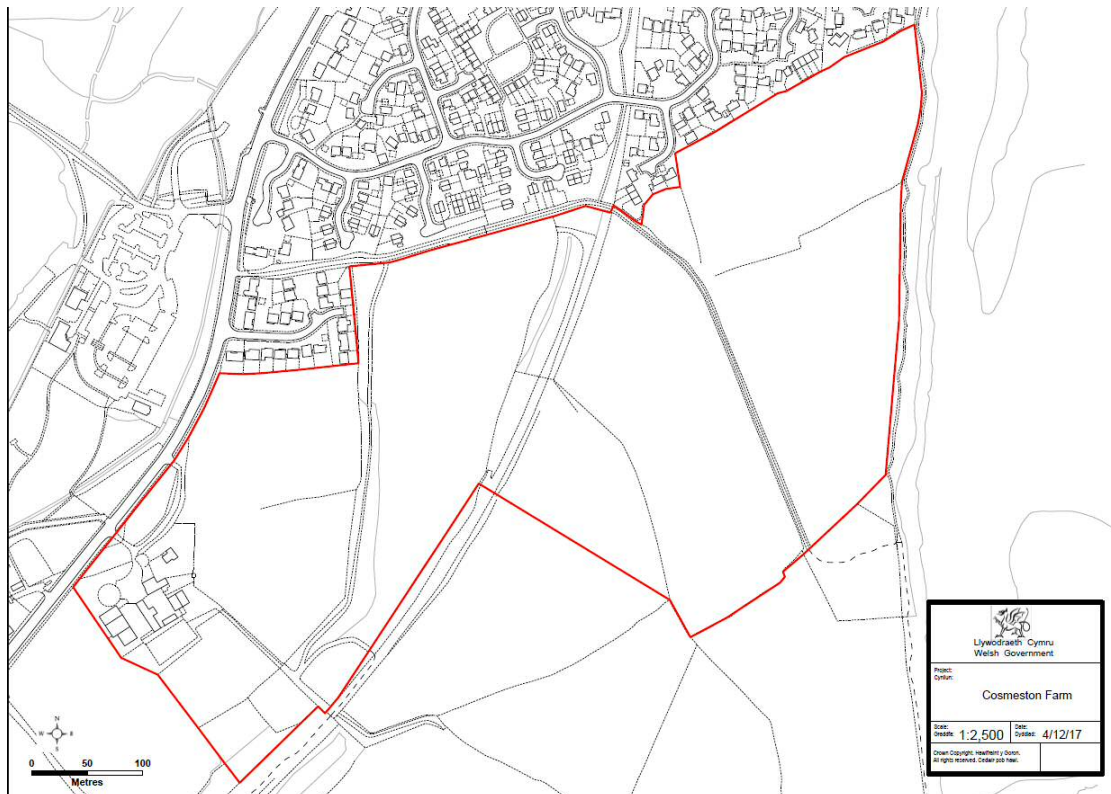
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**Land at Upper Cosmeston Farm, Lavernock**

Request for scoping 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

2018/01431/SC1, Address: Land at Upper Cosmeston Farm, Lavernock,  
Proposal: Request for screening opinion.

## CONSULTATIONS

1. Shared Regulatory Services – Their responses are discussed in further detail within the ‘Noise and Air Quality’ and ‘Ground Conditions’ section of this report.
2. Ecology Officer – stated no further comment beyond matters identified within the response of Natural Resources Wales.
3. Highway Development - stated that the proposed methodology and approach within the Transport Scoping note was robust and commensurate for a development of this size. It was recommended that further detail was sought in relation to the school to inform likely trip generation, capacity assessment is undertaken at wider highway links and junctions where a material impact is identified and traffic management between the school and residents be considered.
4. The Council’s Public Rights of Way Officer did not respond.
5. The Council’s Landscape Officer did not respond.
6. The Council’s Highways and Engineering section did not respond.
7. GGAT - Their response is discussed in further detail within the Heritage and Archaeology section of this report.
8. Cadw – Their response is discussed in further detail within the Heritage and Archaeology section of this report.
9. Natural Resources Wales – Their response is discussed in further detail within the Ecology section of this report.

## REPORT

In reaching a scoping opinion, the Council must have regard to the matters listed in Paragraph 14 (6) of the Regulations (The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017) and before adopting a scoping opinion, the authority must take into account:-

- (a) Any information provided by the applicant about the proposed development;
- (b) The specific characteristics of the particular development;
- (c) The specific characteristics of development of the type concerned; and
- (d) The environmental features likely to be significantly affected by the development.

The request for a scoping opinion has been accompanied by a scoping report for both quarries and these cover relevant issues such as:-

- Landscape
- Ecology
- Agricultural Land Classification
- Noise and Air Quality
- Transportation
- Heritage and Archaeology
- Drainage
- Flood Risk

It is considered that the scoping information submitted covers the relevant topics and the report below specifies those that should be included within an Environmental Statement. For ease of reference, the report will address the sections outlined in the applicant's scoping report while taking into account consultation responses that have been received as well the matters listed in Paragraph 14 (6).

#### Surface and Foul Water Drainage

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. It is indicated that further site investigation tests are required and these will inform the drainage strategy for the site. It may be possible to achieve existing runoff rates through mitigation and control mechanisms identified; a more detailed scheme will require further consideration at application stage. It will need to be established whether greenfield runoff rates can be achieved and the suitability of the main river to accept surface water run-off at this rate.

A planning application should be accompanied by a drainage strategy informed by the above test and investigations. In anticipation that existing runoff rates can be achieved, it is considered that surface and foul water drainage is not required to be considered as a specific topic within the Environmental Statement (ES). The development would also require SAB approval prior to commencement of works.

I would, however, note that the proposed drainage scheme could have direct or indirect impact to protected species, sites through hydrological impacts or groundwater contamination; these will require addressing within the ES. It will also need to be informed by the hydrogeology of the site. These matters are discussed in more detail within the ecology and ground conditions sections below.

#### Flood Risk

It is indicated within NRW's DAM maps that part of the site is located within Flood Zone B due to historic flooding. It is anticipated that the planning application would be accompanied by a Flood Consequences Assessment. This would identify the flood risk to the development, potential to increase flooding elsewhere and any mitigation measures which may be required to manage these impacts.

The FCA will be required for consideration of these issues within a planning application. However, there is potential for flood risk to be minimised through careful design and incorporation of surface water attenuation measures etc. (as noted above). It is therefore considered that flood risk is not required to be included within the ES.

### Ecology

As noted within the Council's screening opinion, it is considered that the ES should cover the impact of the development to ecology and biodiversity as a topic area. The following should be covered as a minimum:-

- Impact to the Cosmeston Lakes SSSI (specifically, the hydrological impacts inc. risks to water quality should be identified, with particular reference to retaining suitable habitat here for freshwater plants inc. Starry Stonewort).
- Impact to the Penarth Coast SSSI (specifically, consideration of a development buffer, hydrological impact, plant species diversity).
- Severn Estuary SPA and SAC – a Habitats Regulation Assessment will be required. This is a separate regulatory function however the ES should identify the address the relevant impacts of the development to these areas, including migratory bird populations.
- The Preliminary Ecological Appraisal together with full details of associated ecological surveys, methodologies, constraints and results. The surveys should include bats, great crested newts, dormice and water voles as a minimum, with any additional survey requirements identified by the consultant ecologist. The scope of the appraisal should include species present within adjacent areas in Sully Brook and Cosmeston Lakes.
- A detailed assessment of the likely impact of the proposals with reference to the above surveys and consider hydrological and water quality impacts to the aforementioned species, wherever applicable. This includes during the course of the development, associated works, and any risks identified in relation to land contamination.
- Details of any mitigation and/or compensation to be put in place to off-set any impacts identified (inc. long term habitat management, habitat and species monitoring, where required).

In addition, there may be other ecological impacts from the development that could be significant due to its scale. The impact to other areas such as the Ty'r Orsaf SINC and other features of ecological value, identified in the submission letter, should also be addressed. The impact to other species, such as reptiles and slow worms should be considered. As noted, consideration should be given to impacts during the construction phase, as well as from the completed development.

### Landscape impact

As noted within the Council's screening opinion, it is considered that the ES should cover the nature and magnitude of the landscape impact as a topic area. The ES should make reference to the proposed site layout and landscaping, and assess the magnitude of the urbanising impact of the development, including the cumulative impact with the existing settlement. A particular reference should be made to the following receptors:-

- The Penarth to Lavernock coastline
- Wales Coastal Path.
- Cosmeston Lakes Country Park
- The approach to Penarth/ B4267

The proposed approach outlined in the submission letter is considered acceptable, namely:- an assessment of magnitude of any potentially significant effects on landscape character and visual amenity of both the site and its context, during construction, at the completion of the development, and after 15 years.

### Transportation

It is noted that a Transport Assessment would be submitted as part of a planning application. It is considered however that the transportation impacts of the development should be considered within the ES, such as trip generation, public transport provision and traffic junction analysis etc. as identified within the submitted TA scoping note. The following matters should also be considered:

- The cumulative impact with the allocated school
- The cumulative impact with other development
- Capacity assessment at wider highway links and junctions where a material impact is identified.

### Noise and Air Quality

It is noted that a Noise Impact Assessment and Air Quality Assessment (AQA) is to be carried out.

The Council's Shared Regulatory Services (SRS) were consulted and advised that a Noise Impact Assessment should be carried out in order to assess the impact of road traffic noise from the B4267 to residential occupiers within the site. The impact of the construction phase of the development should, due to the nature of construction activities and the likely duration of works, consider the impact to existing residential properties in the vicinity of the site. The impact is likely to be of local significance, however, and is not required to be a topic area of the ES.

SRS also advised that the AQA must give consideration to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on local/current and future residents. Consideration of air quality impacts should be examined through the development stage and when the development is complete, focusing on dust emissions during the construction phase of the development and potential exposure of current/ future residents to traffic derived

Nitrogen Dioxide (NO<sub>2</sub>) & Particulate Matter (PM<sub>10</sub> & PM<sub>2.5</sub>) following completion of the development.

As outlined in Local Air Quality Management (LAQM) Technical Guidance TG16, February 2018, examples of where the air quality objectives should apply are detailed in Box 1.1. Based on the detailed criteria, projected levels of traffic derived emissions (NO<sub>2</sub> & PM<sub>10</sub>) must be quantified, considering both the short term and long term air quality objectives. The Air Quality Assessment should look to focus on the national **annual mean (40µg/m<sup>3</sup>) & 1- hour mean objective for NO<sub>2</sub> (200µg/m<sup>3</sup> not to be exceeded more than 18 times a year)** and **annual mean (40µg/m<sup>3</sup>) & 24- hour mean objective for PM<sub>10</sub> (50µg/m<sup>3</sup> not to be exceeded more than 35 times a year)** at the various levels of the building.

The air quality impact of the development is not likely to be of significance beyond the local area, however this impact, particularly from a development of this size and magnitude, does have the potential to be significant, particularly in relation to the risks to human health. It is accepted that it may be possible to mitigate these impacts; however it is considered that the ES should include Air Quality as a topic area. The AQA should be carried out in accordance with the above and identify impact to air quality:-

- For the duration of the construction phase, with particular emphasis on dust emissions and construction traffic.
- For the completed development, with particular emphasis on traffic emissions to areas the existing highway network, primary routes within the new development, including at peak hours and for school traffic.

#### Agricultural Land

The predictive ALC map suggests the land is likely to comprise poor quality agricultural land. I would recommend on-site testing is carried out, however this would not be required to form part of the ES.

#### Ground Conditions

It is noted that in the most recent report (July 2018) incorporated a contamination assessment of ground conditions, including limited groundwater and ground gas assessments. It was identified that there was localised contamination on the site and significant risks from ground gases and that further site based investigation would be required.

The Council's SRS advised that the ES should therefore make reference to these investigations and also identify the extent of remediation and protection measures that would be necessary, with reference to the proposed layout and areas of the site to be developed. It should also reference potential impacts to ground conditions during construction. The site investigations should identify, analyse and/or provide, specifically:-

- The extent of contamination within the former landfill area
- The extent of contamination on the site, including those areas classified as general farmland.



- A robust groundwater assessment
- A robust ground gas assessment
- The local hydrology and hydrogeology conditions
- The associated risks to human health
- The associated risks to groundwater quality
- The extent of remediation required
- The extent of protection measures required

The ES should encompass ground conditions during the construction phase (identifying the likely duration), post completion of the development and for future occupiers of the site (inc. post development monitoring, if applicable).

### Heritage and Archaeology

CADW have been consulted as part of the scoping opinion and noted that there are no designated heritage assets within 500m and assets at a further distance are not likely to have views of this site. It has nevertheless been identified that a historic field system exist at the site and the Cosmeston medieval village is in close proximity to the site. It was recommended that a Heritage Impact Assessment (HIA) was carried out, however in view of the likely significance of this impact it would not require submission as part of the ES. This document should be proportionate to the likely impacts associated with the development.

GGAT have also been consulted and recommended that an Archaeological Field Evaluation was carried out. There have been possible anomalies identified that require evaluation trenching to establish origin and significance. In view of the significance of the known archaeological resource on this site, heritage and archaeology is not required to be submitted a topic area for the ES.

### RECOMMENDATION

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Environmental Impact Assessment submitted should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, as referred to in the information details as submitted with the request but should also include an assessment of the matters stated above report.

Environmental Impact Assessment submitted should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as referred to in the information details as submitted with the request but should also include an assessment of the following:

### **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.**