

Date/Dyddiad: 5 December 2019

Ask for/Gofynwch am: Administration

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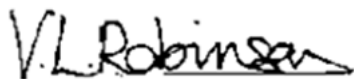
Dear Madam,

**Town and Country Planning (Environmental Impact Assessment)
(Wales) Regulations 2017.**

**Request for a formal Screening Opinion on the scope of an
Environmental Statement (ES) to be submitted in conjunction with a
hybrid planning application for residential development (to be
submitted in Outline), associated highway and bridge improvement
works (to be submitted in Full)
at Land at Leckwith Quays, Leckwith Road**

The Council in accordance with the application and plans registered by the Council on 31 October 2019 is of the opinion that an environmental statement should cover the topics set out in the application documents, Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, this report and the observations made by the planning authority's technical advisers.

Yours faithfully,



Operational Manager Development Management

Ms Emma Fortune RPS, 2, Callaghan Square,, Cardiff., CF10 5AZ

Land at Leckwith Quays, Leckwith Road

Request for a formal opinion on the scope of an Environmental Statement (ES) to be submitted in conjunction with a hybrid planning application for residential development (to be submitted in Outline), associated highway and bridge improvement works (to be submitted in Full)

A formal request has been made under Regulation 14 the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017) for a Scoping Opinion prior to the preparation of an Environmental Statement to accompany a planning application.

SITE AND CONTEXT

Nearly eight hectares in area, the site consists of industrial buildings, associated hard-surfaced land, woodland, a section of an adopted highway (Leckwith Road) and a section of the Leckwith roundabout, which is under Cardiff Council's authority. It is next to the River Ely, Leckwith Woods and the A4232. Nearby uses include a retail park, a trading estate and two sports stadiums within Cardiff.



The Local Development Plan does not allocate the site for a particular land use. For policy purposes, though, the site is in the countryside, Flood Zones A, B, C1 and C2, the Cwrt-y-Ala Basin Special Landscape Area (SLA) and a mineral safeguarding area (limestone, category two). The site includes parts of the 'Factory Wood' and 'Leckwith Woods' Sites of Importance of Nature Conservation (SINCs), several protected trees, a grade II* listed structure (Old Leckwith Bridge), a scheduled ancient monument (Old Leckwith Bridge) and several other features of archaeological interest. One public right of way (ref. L2/1/1) enters the site from the south-west, while the Ely Trail, which is used for walking and cycling, is on the other side of the River Ely. A Site of Special Scientific Interest (SSSI) (ref. 'Cwm Cydfin') is less than a kilometre south-east of the site.

DESCRIPTION OF DEVELOPMENT

The applicants intend to build circa 250 dwellings on the site with associated public open space, landscaping and parking areas.

The proposals include the realignment of the existing B4267 Leckwith Road link and a new bridge crossing of the River Ely. The new bridge has been positioned immediately upstream of the existing, listed, masonry bridge which is to be retained to allow pedestrian and cyclist access to the site.

The proposed development falls within Section 10 (b) (Infrastructure Projects) of Schedule 2 of the 2017 Regulations. Part 10(b) relates to Urban Development Projects where sites exceed 5 hectares or the proposed development exceeds 150 dwellings. For such Schedule 2 Developments the 2017 Regulations require that Environmental Impact Assessment (EIA) be undertaken where the development is likely to have 'significant effects on the environment by virtue of factors such as its nature, size or location.

A planning application for EIA development would need to include an environmental statement (ES). To identify the 'scope and level of detail' to be provided in the environmental statement, the applicants now seek the planning authority's 'scoping opinion' under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

PLANNING HISTORY

The site's recorded planning history is not relevant to this request for a scoping opinion.

CONSULTATIONS

Michaelston le Pit with Leckwith Community Council was consulted and said the following:

Highways and transport

The transport section of the ES should account for traffic associated with football matches at Cardiff City Stadium.

Ecology

The ES should account for the proposal's effect on ancient woodland.

Landscape

The community council does not agree that 'views into the site are extremely limited and only really available from close to the eastern boundary'. In addition, the 'tallest proposed building is considerably higher than any of the existing buildings on the site or buildings in the vicinity'.

Archaeology

A planning application should perhaps include field surveys and investigations in addition to a desk-based study.

Climate change and health

The applicants have 'scoped out' these topics but perhaps a planning application should account for 'climate-change-induced' flooding on the site and the proposal's impact on local schools, health facilities and public transport.

Additional comments

Concerned about the proposal's effect on woodland, ecology and local infrastructure and a listed house (the community council does not identify the listed house, and no such house appears in the planning authority's records or on Cadw's website). Also concerned that the 'offer of a new bridge may strongly influence [the planning authority's] decision'.

The **highway authority** was consulted and said the following:

- Parking: The transport section of the ES should refer to the Parking Standards SPG and 'indicate the availability of more sustainable modes of transport that could influence and reduce the use of the private car in order to justify the reduction of one space per dwelling';
- Traffic flows: 'The information related to the traffic flows across the surveyed network needs to be provided in order for the Highway authority to agree the above AM and PM peak hours';
- Trip distribution: The transport section of the ES should clearly explain how the Leckwith park-and-ride facility would reduce the proposal's overall traffic by 6%;
- Future traffic: The transport section of the ES should account for the impact of the proposal until 2030;
- Local impact: The transport section of the ES should assess the proposal's impact on the junction of the Merrie Harrier and Redlands Road;
- Appendices: 'The Appendices have not been provided with the scoping note and [need] to be provided in order for the Highway authority consider the scoping note as a whole'.

Cardiff County Council was consulted but has not commented on the application.

The **Council's drainage section** was consulted but has not commented on the application.

Environmental-health officers (Shared Regulatory Services (Pollution)) were consulted and said the following:

Noise

Road traffic

'The EIA Scoping Report produced by RPS already indicates that a noise assessment has been carried out by Mach Acoustics to assess noise and vibration. That report indicates very high levels of noise associated with nearby traffic sources and this will need to be taken into account at the design stage, to design out these issues through massing and internal and external arrangement.'

Demolition and construction

'Noise from demolition and construction is likely to be addressed through the outline planning process, at which time it is likely that this department would ask for a Construction and Environmental Management Plan (CEMP) to be submitted, with possibly a request for a condition limiting working hours, and hours of deliveries relating to construction. The CEMP would address noise, dust, and other air quality issues. However due to the location of the nearby highway, A4232, these noise issues would likely be a component of the Environmental Statement submitted under the EIA.'

Plant

'Noise emitted from fixed plant and equipment on the development should be considered within the ES.'

Contamination

'The applicant has indicated that Ground Conditions Assessments will be included within the scope of the proposed Environmental Statement. It is noted that their preliminary assessments have identified the need for intrusive investigations in relation to the risk from ground gas and contamination, to inform any remediation/mitigation measures.'

Although it did not express any concern over the applicants' approach at the 'scoping opinion' stage, SRS did say that it would probably recommend that planning permission carry standard conditions about ground-gas protection, contaminated land, imported soil, imported aggregates and the use of site-won materials.

The **Councils Conservation and Design officer** was consulted and has made the following comments.

It is noted that the Scoping Request Letter (“SRL”) states that an Archaeological Desk Based Assessment (“DBA”) has been prepared which has defined a study area for the ‘archaeology’ topic which has identified forty-two sites of direct archaeological interest with ten of those being in the proposed development area. It is further noted that the DBA has not been submitted and the extent of the study area has not been demonstrated.

The Applicant should be able to demonstrate that the study area is sufficiently wide to capture all historic assets that could be significantly affected by the proposed development not just archaeology.

The SRL identifies the direct archaeological sites that are identified within the site, however, the assessment should consider both the site itself and the study area to ensure that all historic assets that could be affected by the proposed development are properly identified, assessed and reported on in the Environmental Statement “ES”.

The Scoping Report notes that the ES will consider all practical and reasonable measures which can be implemented to preserve, mitigate or record the heritage assets associated with the site and the selected measures, in accordance with best practice standards, will be included within the ES Chapter. Such measures should be identified prior to the submission of the application, so that features and impacts are identified and assessed, and mitigation measures proposed as necessary, and the information included in the ES. Cross reference should be made from this chapter of the ES to the Landscape and Visual chapter.

Glamorgan-Gwent Archaeological Trust (GGAT) was consulted and said that the approach set out in the application documents is acceptable. However, until it is able to read a desk-based assessment in detail, GGAT cannot rule out asking the applicants to carry out further archaeological work.

Cadw (Ancient Monuments) was consulted and said the following:

‘There are 13 scheduled monuments, 10 registered historic parks and gardens and 430 listed buildings are located inside 3km of the proposed development. However due to intervening topography, buildings and vegetation block all views between them apart from scheduled monument/Listed Building Old Leckwith Bridge. Consequently apart from Old Leckwith Bridge the proposed development will have no impact on the setting of any designated heritage asset.’

‘We have not been given the opportunity to read the archaeological desk based assessment and therefore cannot comment if the impact on the scheduled monument/listed building has been full assessed in accordance with current guidance [In any case,] the environmental statement will need to clearly include measures which will be implemented to preserve the scheduled monument/listed building and mitigate any impact to its setting.’

The **Councils Ecology Officer** was consulted and has made the following comments:

'We recommend that the applicant consult their ecologists to determine which ecological surveys will be required for this site. We have no specific survey requirements, however, we draw the applicants attention to the mature trees on site and the potential to support bat roost(s), therefore bat tree assessment/survey will be required, in addition to a PEA / Phase I habitat mapping of the site.'

The **Councils Landscape Section** was consulted but did not comment on the application.

Natural Resources Wales (NRW) was consulted and said the following:

Land contamination

'We note, and concur with, the intention to undertake intrusive ground investigations which will serve to inform any required remediation mitigation measures. Full details should be included within the ES.'

Water quality

'The presence of sensitive receptors including abstractions from the **near-by spring and a private drinking water supply** will also need to be considered in relation to the proposed development and appropriate mitigation measures included, to protect water quality [emphasis added].'

'[It] is stated that the **River Ely** may also be impacted by pollution during and after the site's development [emphasis added]. The ES should consider all aspects of pollution risk including drainage, site run off, silt control and waste storage and appropriate mitigation measures considered.'

'We are aware that the applicant intends to undertake a **WFD (Water Framework Directive) scoping assessment**, to assess the potential impacts of the proposed development on the water environment [emphasis added]. We would take this opportunity to advise the applicant that this site falls within the Cardiff Bay waterbody GB30947042, not the Ely water body GB109057027270. The results of the WFD assessment should be included within the ES.'

Ecology

The ES should include:

- 'sufficient information to enable the local planning authorities to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals'; and
- 'a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts'.

Flood risk management

'The proposed development site lies partially within zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The site is shown to be partially within our flood maps.'

Dinas Powys ward members were consulted but did not comment on the application.

REPRESENTATIONS

The planning authority has not received any letters of representation about the request for a scoping opinion.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP7– Transportation
POLICY SP8 – Sustainable Waste Management
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG16 – Transport Proposals
POLICY MG17 – Special Landscape Areas
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 – Location of New Development
POLICY MD2 – Design of New Development
POLICY MD7 – Environmental Protection
POLICY MD8 – Historic Environment
POLICY MD9 – Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 3 - Strategic and Spatial Choices

- Sustainable Management of Natural Resources

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 20 – Planning and the Welsh Language (2017)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

In accordance with paragraph 14(6) of the Regulations, the planning authority must take into account the following topics before adopting a scoping opinion:

- any information provided by the applicant about the proposed development;
- the specific characteristics of the particular development;
- the specific characteristics of development of the type concerned; and
- the environmental features likely to be significantly affected by the development.

In accordance with paragraph 14(2)(a) of the Regulations, the applicants have provide the planning authority with:

- a plan sufficient to identify the land;
- a brief description of the nature and purpose of the development including its location and technical capacity;
- its likely significant effects on the environment; and
- such other information or representations as the person making the request may wish to provide or make.

The application documents include:

- existing site plan;
- several parameters plans (land uses, building heights and access routes);
- a detailed covering letter;
- technical note about scope of transport assessment;

- air-quality scoping note.

The covering letter states that an environmental statement would cover the following topics:

- highways;
- ecology;
- landscape;
- flooding and drainage;
- land contamination;
- archaeology;
- noise;
- vibration;
- air quality.

The covering letter discusses these topics in some detail but the planning authority recommends that an ES include the following details too:

Highways

Traffic flows

To allow the highway authority to consider peak times, the transport section of the ES should include information about traffic flows across the surveyed network.

Trip distribution

The transport section of the ES should clearly explain how the Leckwith park-and-rise facility would reduce the proposal's overall traffic by 6%.

Future traffic

The transport section of the ES should account for the impact of the proposal until 2030.

Local impact

The transport section of the ES should assess the proposal's impact on the junction of the Merrie Harrier and Redlands Road.

Ecology

The ecology section of the ES should account for the proposal's impact on the SSSI to the south-east of the site.

Landscape

The landscape section of the ES should account for short-, medium- and long-distance views of the site, such as those from the Ely Trail, Leckwith, Ely (Trelai Park, for example) and elevated positions in Cardiff city centre.

Air quality

The air-quality section of the ES should set out arrangements for controlling the amount and movement of dust during demolition and construction.

RECOMMENDATION

An environmental statement should cover the topics set out in the application documents, Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, this report and the observations made by the planning authority's technical advisers.

It is considered that the scoping opinion 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 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.