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Planning Design Economics

Barry Waterfront

**Environmental Statement
Chapter B**

Approach to EIA

August 2009

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1.0 Introduction

1.1 This section of the Environmental Statement sets out the methodology used in undertaking the Environmental Impact Assessment.

1.2 In preparing the ES the Consortium appointed a number of specialist consultants to undertake the necessary technical assessments required in light of the development proposal and the constraints present on site and in the surrounding areas. The full list of chapters and consultants is set out in Table A1 within Chapter A.

1.1 Following the appointment of the above, the following stages of the EIA processes were undertaken:

- Baseline environmental data collection
- Analysis of results
- Design
- Consultation
- Assessment of environmental effects
- Feedback into design process
- Design of any necessary mitigation measures
- Preparation of ES and Non Technical Summary

1.2 Pursuant to the baseline environmental data collection a number of specialist reports were prepared and these are included within the ES (Chapters D to M) and have been to assist in identification of the significant effects in respect of the proposals.

1.3 The specialist reports have been co-ordinated by NLP using a common methodology where possible within the constraints of Institute guidelines. The ES provides an integrated review of the environmental impacts of the proposed development, the proposed mitigation and subsequent residual effects. The residual and cumulative impacts are considered in Chapter N.

2.0 Undertaking the EIA

2.1 This ES has been prepared by the applicants pursuant to the requirements of the 1999 EIA Regulations (as amended) and in response to the scoping process with the Vale of Glamorgan Council which was commenced in November 2007.

Legislative Framework

2.2 The development proposals were considered against the overarching EIA policy framework and legislation at EU and UK levels. The EIA procedures in EC Countries are based upon the European Community Directive “The Assessment of the Effects of Certain Public and Private Projects on the Environment” (85/337/EEC), as amended by Directive 97/11/EC.

2.3 The Directive was implemented in the UK through the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI No. 1199). This was subsequently superseded by the Town and Country Planning (Environmental Impacts Assessment) (England and Wales) Regulations 1999 (SI No. 293), as amended (referred to as the ‘EIA Regulations’). Additional guidance is provided in Welsh Office Circular 11/99: Environmental Impact Assessment (March 1999), together with other guidance on best practice including that produced by the Institute of Environmental Management and Assessment (IEMA).

2.4 An amended Circular on Environmental Impact Assessment was consulted upon in 2006 but has yet to be formally issued and the Guidance remains as draft.

2.5 This ES has been prepared with regard to the EIA Regulations. Due regard has also been paid to EIA guidelines and current best practice.

Requirement for an EIA

2.6 Within the EIA Regulations there are two Schedules of development. These identify the projects for which an EIA is mandatory (Schedule 1 development) and projects which due to size, scale, location or environmental effects may require an EIA (Schedule 2 development).

2.7 This project is Schedule 2 development which may give rise to significant effects requiring assessment due to its size, scale, location, nature and potential environmental effects. The development falls within Section 10 Part (b) of Schedule 2 as it falls within the category “*urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas*” where the area of development exceeds 0.5 hectares.

- 2.8 Due to the scale of the proposals in relation to the existing character of the site, its surroundings and its location on land that was formerly Barry Docks, it was agreed by the project team that an EIA should be undertaken and an ES be produced to accompany the planning application. No formal screening opinion was sought; however a Scoping exercise was undertaken as set out below.

Scoping of the Environmental Statement

- 2.9 The EIA Regulations afford the applicant the opportunity to obtain an opinion from the relevant LPA on the scope of the EIA for a development. A scoping process was undertaken to ensure that all major potential environmental impacts were addressed. A request for a Scoping Opinion was submitted to the Vale of Glamorgan Council in November 2007.
- 2.10 At the time that the request for a formal scoping opinion was submitted to the Vale of Glamorgan Council the current single development site was split into a number of smaller sites; Arno Quay and East Quay formed two standalone development sites whilst South Quay, West Pond and the District Centre formed a third site. Further details on each character area are provided within Chapter C and can be seen on Figure C3, which provides a plan of Barry Waterfront and the character areas.
- 2.11 Negative EIA Screening Requests were submitted to the Council regarding Arno Quay and East Quay as the proposals for residential apartments (with possible commercial use at ground floor level) fell below identified thresholds for 'developments that are more likely to require EIA'. The areas are not designated as 'sensitive' and the proposals were not considered to create any significant environmental effects.
- 2.12 A request for a formal Scoping Opinion was submitted for the remaining development site (including West Pond, South Quay and the proposed District Centre site) due to the size and scale of the development proposed. Possible environmental impacts identified included Traffic and Transport, Ecology, Water Resources and Flood Risk, Ground Remediation, Noise and Air Quality.
- 2.13 The Vale of Glamorgan provided their formal Scoping Opinion on 8th February 2008. This comprised a covering letter confirming the requirement for EIA with greater detail on the impacts to be assessed within consultation letters attached to the response. Responses were received from relevant departments within the Council and the Environment Agency.
- 2.14 The request for a Scoping Opinion and the Local Planning Authority's response are included as **Appendices B1** and **B2** respectively.
- 2.15 Following this scoping exercise the following topics were identified as having the potential to have significant environmental effects arising from the development proposal that require assessment:

- Transportation
- Landscape and Visual
- Ecology
- Archaeology
- Water Resources, Drainage and Flooding
- Ground Conditions and Contamination
- Noise and Vibration
- Air Quality
- Socio-Economic Impacts
- Arboriculture

2.16 Each of the above issues has been considered against baseline conditions and consistent impact significance criteria. Dedicated ES chapters are provided on each of the above topics within Chapters D to M of this Environmental Statement.

2.17 Whilst the Council considered the requirement to assess major potential impacts on the largest of the three sites only (i.e. the current South Quay (Parkside and Waterside), West Pond and District Centre sites), it is considered that the same environmental issues are relevant to the Barry Waterfront development site as a whole. The planning application site boundary has not changed; it merely incorporates all of the smaller sites to which the original screening and scoping requests referred.

2.18 The Consortium has decided to advance the overall application including Arno and East Quays. As a result, for completeness the ES considers impacts over all the development sites; it is considered that the same issues apply although no re-scoping has been undertaken. Given the negative Screening Opinions received for Arno Quay and East Quay with no potential significant effects identified this is considered to be a robust approach.

Consultation

2.19 The adopted Barry Waterfront Development Principles document was consulted upon with:

- Barry Ward Members and Vale of Glamorgan Cabinet Members for Planning and Transportation and Transportation and Economic Development and Regeneration;
- Prospective developers and their agents; and
- The public.

2.20 During the consultation period a total of 65 consultation responses were received by the Vale of Glamorgan Council with most being satisfied with the development brief and considered that it adequately interprets the waterfront development area and surroundings as well as clearly outlining the key planning and transportation requirements for the site.

- 2.21 Following consultation a number of alterations were made to the Barry Waterfront Development Principles document such as the inclusion of a planning history section, an updated policy section and the alteration of the 'Mix of Uses' section to recognise that local shops and business uses might be appropriate for inclusion in the development, as well as a number of minor text changes to make the document easier to read.
- 2.22 The Barry Waterfront Development Brief and Design and Access Statement including Illustrative Masterplan have not been consulted upon however the principle of the Barry Waterfront proposals including the provision of approximately 2,000 new homes, a link road to Barry Island, retail centre and public open space was the subject of a public consultation exercise in June 2009.
- 2.23 Full details of the June 2009 public consultation are provided in the Public Consultation Statement, prepared by Freshwater, which has been submitted with the outline planning application.
- 2.24 The June 2009 public consultation was publicised to all local residents living in Barry Island and Barry Town. A number of key stakeholders were also invited including:
- Vale of Glamorgan ward members;
 - Cabinet members;
 - Barry Town Council;
 - Local AMs;
 - Welsh Ministers;
 - The local MP;
 - Business groups;
 - Schools;
 - Youth groups;
 - Community groups; and
 - Environmental groups.
- 2.25 A stakeholder preview event was organised for the morning of the opening of the public exhibition. The Consortium also carried out a number of meetings with key stakeholders prior to the public exhibition to ensure that they were informed of the scheme's progress and to fully engage them in the consultation process.
- 2.26 Further to the public exhibition, an advertisement was placed in the Barry Gem the week preceding the public exhibition, a leaflet was placed in the Barry Gem the week of the public exhibition, all local media were briefed on the consultation programme providing an extensive level of local media coverage, posters and flyers were displayed in public buildings, local shops and on lampposts across Barry and a website was set up to provide information on the proposals.

- 2.27 In addition to the above engagement, consultants preparing the individual chapters have been actively engaging with the relevant statutory and specialist consultees where appropriate. A full commentary of this engagement is included in Chapters D – M where applicable and is not repeated here. This includes a description of mitigation measures to overcome or reduce potentially adverse environmental impacts that have been identified and discussed with consultees. Key consultees have included the Environment Agency with respect to the flood and ground assessments (see Chapters H and I) as well as Countryside Commission for Wales and the Vale of Glamorgan in terms of key issues such as ecology, air and noise.
- 2.28 Key issues raised during the public consultation process and the design response is included in Table B1 below. Please note that this list is not exhaustive.

	Issue	Design Response
1	Increase in leisure and community facilities.	The design provides the option to increase the café/ bar/ restaurant outlet area if demand exists within the maximum parameters set out.
2	Inclusion of public art within the development.	Public art has been included as part of the Illustrative Masterplan proposals.
3	Concern over the level of affordable housing.	This issue is subject to further discussion and negotiation with the Vale of Glamorgan Council in the context of scheme viability.
4	Phasing of development and delivery of leisure facilities.	The first phase of development will comprise much of the District Centre, which includes the café/restaurant use and a residential area of c. 200 new homes.
5	Need for better transport links from Barry Town to Barry Island. Concern about vehicular congestion.	A new link road is proposed as part of the development. The link road and junctions have been designed to have sufficient capacity to accommodate forecast traffic levels. Public transport, walking and cycling facilities will also be provided and encouraged throughout the development.
6	Concern over high rise development (over 3-storeys).	The proposals include a number of opportunities to construct taller buildings at key locations in the interest of good design. These are restricted to a few key areas of the site. Specific locations are identified in the Illustrative Masterplan and parameter plans.

Table B1: Design Response to Issues Raised during the June 2009 Public Consultation

3.0 Assessment Methodology

3.1 The EIA process has been integral to the overall design process for the proposed development and has heavily influenced the scheme design and the overall Masterplan for the area.

3.2 The objective of this approach has been to ensure that through good design and in depth consideration of all issues, any adverse environmental effects are either removed completely or their severity significantly reduced. In a similar way, opportunities for environmental improvement or enhancement works can also be maximised.

3.3 The above has been achieved through the involvement of environmental and engineering specialists throughout the EIA process.

Baseline and Parameters

3.4 The development proposal consists of an outline planning application with all matters reserved. The development site has been divided into different character areas to create a sense of place and guide development, a full breakdown of which is provided within Chapter C of this ES.

3.5 A selection of the key planning application drawings are included as appendices to Chapter C and are listed in Table B2 below.

Document/ Drawing Number	Description
SK201 Revision: - Date: 01/07/09	Planning Application Boundary
0833101/Pre/SK/041	Illustrative Masterplan
SK202 Revision: - Date: 29/07/09	Parameter Plan 1: Building Envelope and Proposed Uses
SK203 Revision: - Date: 29/07/09	Parameter Plan 2: Building Heights
SK204 Revision: - Date: 29/07/09	Parameter Plan 3: Movement
SK205 Revision: - Date: 29/07/09	Parameter Plan 4: Public Open Space

Table B2: Key Planning Drawings

3.6 Given that the application is outline in nature, the specific floorspace and dwelling numbers are not fixed at this stage. Parameter plans have been

submitted which establish maximum parameters (i.e. the worst case scenario) and aid the understanding of development proposal.

- 3.7 The planning objective in relation to the outline planning application is to obtain a permission that:
- i Provides the LPA and the Consortium with a reasonable degree of certainty about the likely significant effects arising from the development that will be implemented across the site and how this relates to neighbouring land; and
 - ii Enables sufficient flexibility to enable alterations to be made to the final design and details of the outline elements in due course should this be necessary.
- 3.8 As the application is the subject of EIA, consideration was given to how the outline elements of the scheme could be sufficiently and robustly assessed in accordance with EIA guidelines. The details of the outline elements that have been assessed are set out in Chapter C of this ES.
- 3.9 Parameters Plans are increasingly used in association with larger scale developments where an EIA is required but where some flexibility is also required to enable the detailed design to be progressed but, at the outset, providing a robust basis to test the environmental effects of the development – identifying any that are significant – and meet the requirements of the EIA Regulations.
- 3.10 The parameters that have been tested for the purposes of the outline development proposal and this EIA are shown on the plans listed in Table B2 above. This approach will set a framework within which future reserved matters application(s) can come forward and since the EIA will have tested the fullest extent of the impact of the development as defined by the parameters there is confidence that sufficient information is available of effects arising from the development fixed at this stage to establish the significant effects arising.
- 3.11 In order for this approach to work, Parameters Plans need to provide an appropriate level of certainty about the overall design approach and in particular the layout and disposition of uses on the site and the scale of the proposed development. In relation to this development the plans therefore show the following elements:
- a The building envelope and proposed uses (including the no-build zone to the Dock edge);
 - b Confirm the maximum building heights;
 - c Confirm the key pedestrian/cycle/vehicular movement routes; and
 - d Confirm the distribution of public open space and public realm.
- 3.12 In summary, the approach to EIA represents a worst case scenario based on maximum parameters. This approach provides a robust basis for the EIA and is in accordance with current best practice.

Method of Assessment

- 3.13 Each technical assessment chapter follows the same format and approach for consistency and ease of reference where this is possible within the constraints of Institute and best practice guidelines.
- 3.14 For all chapters the methodology employed of that assessment is clearly set out. All chapters consider receptors and their sensitivity whilst also assessing the magnitude of their particular impacts. These two elements combine to determine the overall significance of the environmental effects and for consistency the following table is used where possible within the ES in order to provide common terminology which can be utilised throughout the assessment (see Table B3 below). The Ecology chapter (ES Chapter F) has used alternative criteria provided within the IEEM guidelines as this is industry best practice for Ecological Impact Assessment and underwent a consultation process with several statutory bodies, including CCW. The Landscape and Visual (Chapter E) and Archaeology (Chapter G) technical assessments have also adapted the Significance of Effects matrix in accordance with their industry guidelines.

		Sensitivity of Receptor/Receiving Environment to Change/Effect			
		High	Medium	Low	Negligible
Magnitude of Change /Effect	High	Major	Moderate to Major	Minor to Moderate	Negligible
	Medium	Moderate to Major	Moderate	Minor	Negligible
	Low	Minor to Moderate	Minor	Negligible to Minor	Negligible
	Negligible	Negligible	Negligible	Negligible	Negligible

Table B3: Example Matrix for Determining the Significance of Effects

- 3.15 The determination of significant effects is set out in each chapter through the text within the impacts section. The residual effects and mitigation measures are then assessed and presented in the Residual and Cumulative Effects section in the format presented in Table B4 below.
- 3.16 Chapters D – M of this ES broadly follow this approach and the tables illustrated here. There are minor variations to this format in some of the technical assessments due to institutional requirements and the individual nature of some of the assessments.

3.17

The ES chapters have fully considered the potential significant environmental effects of the development at all stages.

Environmental Topic	Description of Impact		Description of Mitigation Measures	Description of Residual Impact	
	Description	Significance		Description	Significance
		Substantial / Moderate / Minor/ Neutral / Negligible Beneficial / Adverse Direct / Indirect / Permanent / Temporary Short-Term / Medium-Term / Long-Term			Substantial / Moderate / Minor/ Neutral / Negligible Beneficial / Adverse Direct / Indirect / Permanent / Temporary Short-Term / Medium-Term / Long-Term
<i>Example:</i>					
Air Quality: Construction Impacts	Dust nuisance and vehicle and construction plant exhaust emissions	Moderate Adverse Direct, Temporary Medium-Term Local	Describe measures and controls to be put in place to overcome this impact	No long-term residual effects	Minor Adverse Direct, Temporary Medium-Term Local
Air Quality: Operational Impacts	Vehicle exhaust and operational plant emissions	Negligible	None required	No residual effects	Negligible

Table B4: Example Summary Table of Residual Effects of the Proposal together with Mitigation Measures

4.0 Consideration of Cumulative Effects

4.1 Originally the intention had been that an outline application would be submitted only for the West Pond and South Quay elements of the site. As a result the EIA Scoping process only related to these areas. The inclusion of all elements of the waterfront site, including East Quay and Arno Quay, within the remit of this EIA means that the cumulative effects of all parts of this development are being robustly assessed.

Committed Development

4.2 Through our own local knowledge and discussions with the Vale of Glamorgan Council no other committed developments were identified that could be relevant to assessing cumulative effects.

4.3 An outline planning application was submitted in May 2009 for the development of a Defence Technical College and associated facilities at St Athan, approximately 10km to the west of the Barry Waterfront site. This has not been included in a cumulative assessment as we note that Government advice confirms that it is not appropriate to test cumulative impacts unless schemes are existing or approved (Welsh Office Circular 11/99, Paragraph 46). This is consistent with EC guidelines which also advise that cumulative effects should be tested where these are “reasonably foreseeable”. This approach is also confirmed in the consultation draft of NAFW Circular 12/2006 (Paragraphs 50 and 51, which notes that in general *“it would not be feasible to consider the cumulative effects with other applications that have not yet been determined, since there can be no certainty that they will receive planning permission”*).

The Mole

4.4 The Mole is a ‘finger’ of land that projects into No. 1 Dock from the north-south quay side axis to form a prominent landmark peninsular. This land is not in the ownership of the Consortium and does not form part of the outline planning application to which this ES relates, however its situation in the context of the regeneration of the waterfront provides an opportunity to create a natural focal point for the development as a whole in the future. Due to this the Mole is recognised as a key component within the Barry Waterfront Illustrative Masterplan that forms part of the outline planning application.

4.5 Its relationship to the development and the proposed District Centre in particular is critical in terms of the integrated commercial, leisure and public realm opportunities offered at this juncture. It is also considered as being able to play a key role in the long term aspirations of ABP, the Local Authority, WAG and the Consortium for the creation of a marina and associated facilities.

4.6 As no planning application has been submitted for the development of this site the future development of the Mole has only been considered as part of a cumulative impact analysis within relevant ES chapters. Given the likelihood

that the site will come forward for development in the future consideration has been given to the development of the Mole within the Transportation Assessment to ensure route and junction capacity is sufficient for both developments. The Noise and Vibration chapter and Air Quality chapter of the ES also consider the Mole in terms of cumulative impact(s) in relation to road traffic impacts.



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Date: 31 October 2007
Our ref: WE30327
Your ref:

Dear Steve

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 – REQUEST FOR FORMAL SCREENING OPINION

SITE B – EAST QUAY, BARRY WATERFRONT

On behalf of our clients, Taylor Wimpey, Persimmon and Barratt, we request that the Council provides a formal screening opinion to confirm the requirement for an Environmental Impact Assessment (EIA) in respect of the proposed mixed density residential development on the above site. A site location plan has been provided at Appendix 1 for you information.

This request is made in pursuance of Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the '1999 Regulations').

To enable your consideration of the issue, we set out below the following information:

1. Description of the site and its surroundings
2. Description of the proposed development
3. Review of the requirement for an EIA

Item 3 is dealt with by reference to the completed checklist at Appendix 2, based on the indicative checklist provided in Annex B of the draft Amended Circular on Environmental Impact Assessment, June 2006.

1. Description of the site and its surroundings

The proposal area, known as East Quay, extends to 6.46 hectares in total around the graving dock. It is brownfield land that used to form part of the Barry No. 1 Dock area. This was historically the heart of Barry's economic activity, however, following its demise, the local authority has identified the waterfront as a strategic priority, supporting a vision of mixed development, with new housing, retail, leisure attractions and a new public promenade and road network.



In 1997 an application for a 192 acre site was granted permission for residential, commercial, business, retail, leisure and amenity open space. The wider planning consent has now expired, however, part of it has already been developed for retail and residential development, including the development of over 700 homes, a supermarket and a retail park.

Barry Waterfront itself is located to the south of Barry town centre and is strategically positioned between the town centre, Barry Island and the harbour. As a whole, Barry Waterfront encloses some 75 acres of water with 2.7 miles of quayside and therefore the development opportunities to regenerate the area are significant. East Quay (Site B) forms a small area of this wider regeneration site.

The site has excellent links by private and public transport. It is highly accessible by car as Ffordd y Mileniwm, which forms the northern boundary of the site, directly links to the A4055 that provides access to Dinas Powys, Penarth and Cardiff to the east. To the west the A4055 provides access into the remaining Barry Waterfront development land parcels and also to existing residential development at The Knap.

The main railway between Cardiff and Barry Island is also in close proximity to the site. Three railway stations (Barry Docks, Barry Town and Barry Island) lie within easy access of the site, indeed the Barry Docks station lies approximately 150 metres from the site's northern boundary. The railway service operates every 30 minutes and takes approximately 20 minutes to travel to Cardiff. In addition to this, frequent bus services run along Ffordd Y Mileniwm providing access to the Retail Park and to the waterfront.

Pedestrian access to the town centre from the site is via the station subway and then along Dock View Road and Thompson Street. However, there are many side roads that open onto Dock View Road that can be used as a pedestrian cut-through to the town centre.

Barry is also close to Cardiff International Airport, which provides flights to both national and international destinations.

2. Description of the proposed development

Our clients are in the process of creating detailed designs for the development proposal, however, it is possible to define limits to certain key elements of the proposals. These are outlined below:

- It is proposed that the physical development at East Quay will comprise mostly of residential development. This would be a mixture of houses and apartments and would be relatively low density, providing up to approximately 350 dwellings within the site.
- The residential units would be a maximum of 5 storeys in height, although the opportunity for a feature tower / landmark may be considered.
- Associated car parking and cycle parking would be provided within the site.



- The existing s106 agreement requires that provision of a large area of public open space in the northern sector of East Quay. This will cover approximately 1.81 hectares (4.47 acres) of the total area of the site.
- It may also be possible to provide an element of A3 use within the site by locating a restaurant or café between the open space and the residential development. This could be utilised by both residents and visitors alike.
- Vehicular and pedestrian access into and out of the site would be via Cory Way and Fford y Mileniwm.
- Early investigations into the site and its surroundings have identified a long distance view of the water that runs through the site. This will not be affected as the area of land within the view corridor is proposed to be public open space.

3. Review of the requirement for an EIA

A formal view is sought as to whether the proposed development constitutes 'EIA Development' under the EIA Regulations as the proposal comprises an 'urban development project' with a site area exceeding 0.5 hectares (Schedule 2 Category 10 (b)). Under the Regulations, and clarification provided within Circular 02/99 'Environmental Impact Assessment', it falls to the Council as Planning Authority to determine whether an Environmental Statement will be required.

The requirement or otherwise for an Environmental Statement rests upon whether the development would result in significant effects upon the environment (Paragraph 32, Circular 02/99). There is not, however, any definition as to what 'significant effects' comprise and therefore whether a scheme requires an ES is a matter of fact and degree.

In determining whether the development is likely to give rise to significant environmental effects, reference should be made to Schedule 3 of the 1999 Regulations. This identifies three categories of criteria; i.e:

- i. Characteristics of the development (such as size, cumulative effects, use of natural resources, production of waste, pollution and nuisances, and risk of accidents).
- ii. Location of the development (by reference to the environmental sensitivity of the area).
- iii. Characteristics of the potential impact (having regard in particular to the extent of the impact, its magnitude and complexity, probability and duration, frequency and reversibility).

We review each of these points below

Development Characteristics

Whilst recognising that it is not possible to formulate universal criteria or thresholds by which to identify developments which require an EIA, given the range in types of developments and importance of location, the Circular provides some indicative thresholds at Annexe A. These



thresholds provide a useful indication of the scale of development that is more likely to result in the requirement for an EIA. With respect to 'urban development projects', Annexe A states that development at sites not previously intensively developed are more likely to require EIA if the site area of the scheme is more than 5 hectares; or it would provide a total of more than 10,000 sq m of new commercial floorspace; or the development would have significant urbanising effects in a previously non-urbanised area.

Clearly, Site B at East Quay within the Barry Waterfront regeneration area represents a previously developed urban location within the defined urban limits of Barry and therefore the indicative thresholds within Annexe A should be applied with caution.

Whilst the overall size of the development site is above the 5 hectare threshold, the site is brownfield and 1.81 hectares of the site is to be used for public open space. As a result the overall developable area within Site B at East Quay is 4.65 hectares, which is below the established 5 hectare threshold (for undeveloped land). In addition to this the residential element of the proposal is to be a low rise development comprising houses and apartments, and the total number of dwellings will be significantly less than 1,000 dwellings (again, this threshold relates to undeveloped land). It is therefore considered that the proposals do not constitute a major development, for the purposes of the 1999 Regulations.

Environmentally Sensitive Locations

The Circular highlights that for any given development proposal, the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require EIA. Site B at East Quay has historically formed part of the Barry docklands area and has therefore been subject to intensive development in the past. Following the demise of the docks, the site has been cleared and, subject to securing planning permission, will create an important area of regeneration within Barry. The land also lies neither within a designated conservation area or within a 'sensitive area', as defined by Circular 02/99. It is therefore considered that the proposal site does not represent an environmentally sensitive location.

Environmental Effects

The Circular advises that a small number of developments may be likely to have significant effects on the environment. Consideration should be given to development which could have complex, long-term or irreversible impacts. It is considered that the proposals site will not give rise to significant environmental impact and will certainly not create any unusual or hazardous effect. In summary:

- The development will not result in the production of significant waste, pollution or nuisances. It will not have any unusually complex or potentially hazardous environmental effects;
- The development will not produce material noise impacts;
- The development will not result in any material impact on air quality;
- The proposed development site is not located within a Conservation Area and will have no impact upon a listed building thus ensuring the development would have no impact on the built heritage;



- It is unknown whether the development will impact upon archaeological or ecological resources of importance, however, it is felt that this can easily be mitigated against via a planning condition; and
- Any traffic and highway impacts can be fully assessed through the submission of a Transport Assessment.

Any impact during the construction phase of the proposed development will be temporary and limited to the contract period and can be effectively controlled by suitable planning conditions, thereby limiting any local disturbance by reason of noise, dust, vehicular activity etc.

To further consider the requirement for an EIA for the development in question at land at Barry Waterfront, an assessment has been undertaken using the indicative screening checklist provided in Annex B of the draft Amended Circular on EIA. The completed checklist is enclosed at Appendix 2. Parts 1 and 2 of the checklist are used to identify potential impacts, by virtue of the development's characteristics and its location. The significance of each of the potential impacts is then evaluated using Part 3 of the checklist.

Planning Submission

Notwithstanding the requirement or otherwise for an EIA in connection with the proposed development, additional material will accompany the full planning application to assist you in your consideration of the proposals. Subject to further discussions with yourselves, material will include:

- A Planning Statement which will assess the development against the relevant planning policy framework;
- A Design & Access Statement;
- A Transport Assessment, addressing the highway and access issues, car parking, public transport accessibility and cycle/pedestrian access;
- Site Investigation Report
- A Flood Risk Analysis; and
- An Ecological Assessment to assess the unknown ecological resource within the site.

Conclusion

From the analysis set out above, it is considered that EIA is not required. In coming to this conclusion, we have had regard to the relevant regulations and, in particular, consider:

- The site is previously developed land and therefore is not subject to the thresholds established in Annexe A. Despite this, the area of physical development (not including the 1.81 hectares of public open space) and the number of dwellings proposed falls below identified thresholds for those developments that are more likely to require an EIA;
- The proposals are not designated within a 'sensitive area';
- The proposed development would regenerate a currently underutilised brownfield site and provide residential development to complement the neighbouring existing residential and retail development to the north of the site;



- The proposals do not create any significant environmental effects; and
- Any traffic, highway, ecological or other unknown impacts can be fully assessed through the submission of relevant assessments (e.g. a Transport Assessment, Ecological Assessment etc.)

We trust that you have sufficient information to determine whether this is an EIA development under the 1999 Regulations.

From these regulations, we note that the local authority has three weeks (beginning from the date of receipt) to form a screening opinion.

In this respect, we hope to hear from you within this time period. In the meantime, please do not hesitate to contact us.

Yours sincerely

A handwritten signature in black ink that reads 'Gareth Williams'.

GARETH WILLIAMS
SENIOR ASSOCIATE DIRECTOR

Encs

November 2007

MEMORANDUM

Our Ref: WE30327

From: Nathaniel Lichfield and Partners

To: Vale of Glamorgan Council

**SUBJECT: APPENDIX B – EIA Screening Checklist
SITE B – EAST QUAY, BARRY WATERFRONT**

ANNEX B: GUIDANCE ON SCREENING

SCREENING CHECKLIST

	Yes/No Briefly Describe
1. Characteristics of the Development	
(a) Size of the development	
Will the development be out of scale with the existing environment?	No – the site is on the edge of town, within an area of land that is to be redeveloped and regenerated as part of the Barry Waterfront regeneration proposal.
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, provision of new water supply, generation or transmission of power, increased housing and sewage disposal)?	The site is part of a wider regeneration area and new roads have already been developed. Further associated infrastructure (e.g. water supply and sewage disposal) will, however, be required.
(b) Cumulation with other development	
Are there potential cumulative impacts with other existing development or development not yet begun but for which planning permission exists?	No. The site is a small residual area remaining from the 1 st phase of the Barry Waterfront redevelopment. This is physically separate from the main Phase 2 development at land at West Pond and South Quay.
Should the application for this development be regarded as an integral part of a more substantial project? If so, can related developments	As above the site is a small residual area

<p>which are subject to separate applications proceed independently?</p>	<p>remaining from the 1st phase of the Barry Waterfront redevelopment. This is physically separate from the main Phase 2 development at land at West Pond and South Quay. Separate applications can and are proceeding independently.</p>
<p>(c) Use of natural resources</p>	
<p>Will construction or operation of the development use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?</p> <ul style="list-style-type: none"> • Land (especially undeveloped or agricultural land)? • Water? • Minerals? • Aggregates? • Forests and timber? • Energy including electricity and fuels? • Any other resources? 	<p>The site is brownfield land and will therefore not compromise natural resources in terms of land take. However, the commercial and residential development will utilise electricity and fuel once it is occupied.</p>
<p>(d) Production of waste</p>	
<p>Will the development produce wastes during construction or operation decommissioning?</p> <ul style="list-style-type: none"> • Mining or quarrying wastes? • Municipal waste (household and/or commercial)? • Hazardous or toxic wastes (including radioactive)? • Other industrial process wastes? • Sewage sludge or other sludges from effluent treatment? • Construction, demolition or excavation wastes? • Redundant machinery or equipment? • Agricultural wastes? • Any other solid wastes? • Liquid or solid wastes in suspension? 	<p>No – household and commercial waste will be generated by the completed development, however, this will be collected as standard and will not have a significant impact upon the environment.</p>
<p>(e) Pollution and nuisances</p>	
<p>Will the development release pollutants or any hazardous, toxic or noxious substances to air?</p> <p>Emissions from:</p> <ul style="list-style-type: none"> • Combustion of fossil fuels from stationary or mobile sources? • Production processes? • Materials handling including storage or transport? • Construction activities including plant & equipment? • Dust or odours from handling of materials including construction materials, sewage & waste? • Incineration of waste? • Burning of waste in open air (e.g. slash material, construction debris)? 	<p>Not known at this point.</p>

<ul style="list-style-type: none"> • Any other sources 	
<p>Is there potential risk from:</p> <ul style="list-style-type: none"> • Leachates? • Escape of wastes or other products/by-products that may constitute a contaminant in the environment? 	<p>Not known at this point. A site investigation report will accompany the planning application.</p>
<p>Will the development cause noise and vibration or release of light, heat energy or electromagnetic radiation?</p> <ul style="list-style-type: none"> • From operation of equipment e.g. engines, ventilation plant, crushers? • From industrial or similar processes? • From blasting or piling? • From construction or operational traffic? • From lighting or cooling systems? • From sources of electromagnetic radiation (effects on nearby sensitive equipment as well as people)? • From any other sources? 	<p>Yes – light will be created by household and street lighting at levels appropriate to development. Light will also be generated by the restaurant or café that may be developed within the site. Noise will be generated during the construction phase of the development and during the operational phase noise will be created by residents and visitors to the area, however, this will be beneficial to the area and will improve the vitality and vibrancy of a currently derelict and underutilised area of brownfield regeneration land.</p>
<p>Will the development lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p> <ul style="list-style-type: none"> • From handling, storage, use or spillage or hazardous or toxic materials? • From discharge or sewage or other effluents (whether treated or untreated) to water or the land? • By deposition of pollutants emitted to air, onto the land or into water? • From any other sources? • Is there a risk of long term build up of pollutants in the environment from these sources? 	<p>A site investigation report is being undertaken that will accompany the planning application.</p>
<p>(f) Risk of accidents, having regard in particular to substances or technologies used</p>	
<p>Will there be a risk of accidents during construction or operation of the development which could have effects on people or the environment?</p> <ul style="list-style-type: none"> • From explosions, spillages, fires etc. from storage, handling, use or production of hazardous or toxic substances? • From events beyond the limits of normal environmental protection e.g. failure of pollution control systems? • From any other causes? 	<p>No</p>

<ul style="list-style-type: none"> • Could the development be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslip, etc)? 	
<p>Will the development involve use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment (flora, fauna, water supplies)?</p> <ul style="list-style-type: none"> • Use of hazardous or toxic substances? • Potential changes in occurrence of disease or effect on disease carriers (e.g. insect or water borne diseases)? • Effect on people's living conditions? 	No
<p>Other characteristics: potential physical changes (topography, land use, changes in waterbodies etc) from construction, operation or decommissioning of the development</p>	
<ul style="list-style-type: none"> • Permanent or temporary change in land use, landcover or topography including increases in intensity of land use? • Clearance of existing land, vegetation & buildings? • Creation of new land uses? • Pre-construction investigations e.g. boreholes, soil testing? • Construction or demolition works? • Temporary sites or housing for construction workers? • Above ground buildings, structures or earthworks including linear structures, cut & fill or excavations? • Underground works including mining or tunnelling? • Reclamation works? • Dredging? • Coastal structures (seawalls, piers)? • Offshore structures? • Production and manufacturing processes? • Facilities for storage of goods or materials? • Facilities for treatment or disposal of solid wastes or liquid effluents? • Facilities for long term housing of operational workers? • New road, rail or sea traffic during construction or operation? • New road, rail, air, waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc? • Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements? • New or diverted transmission lines or pipelines? • Impounding, damming, culverting, realignment or other changes to the hydrology or watercourses or aquifers? • Stream crossings • Abstraction or transfers of water from ground or surface waters? • Changes in waterbodies or the land surface affecting drainage or run-off? • Transport of personnel or materials for construction, operation or decommissioning? 	<p>Yes – the development will:</p> <ul style="list-style-type: none"> • Permanently alter the land use by developing an underutilised and contaminated docklands area. • Increase the intensity of the land use (it is currently unused, derelict space). • Involve above ground construction works and below ground infrastructure works (e.g. sewers etc). • Involve the transporting of personnel and materials for construction on the site. • Increase the number of people living in the area. • Clear the land and vegetation that has grown since the reclamation of the site.

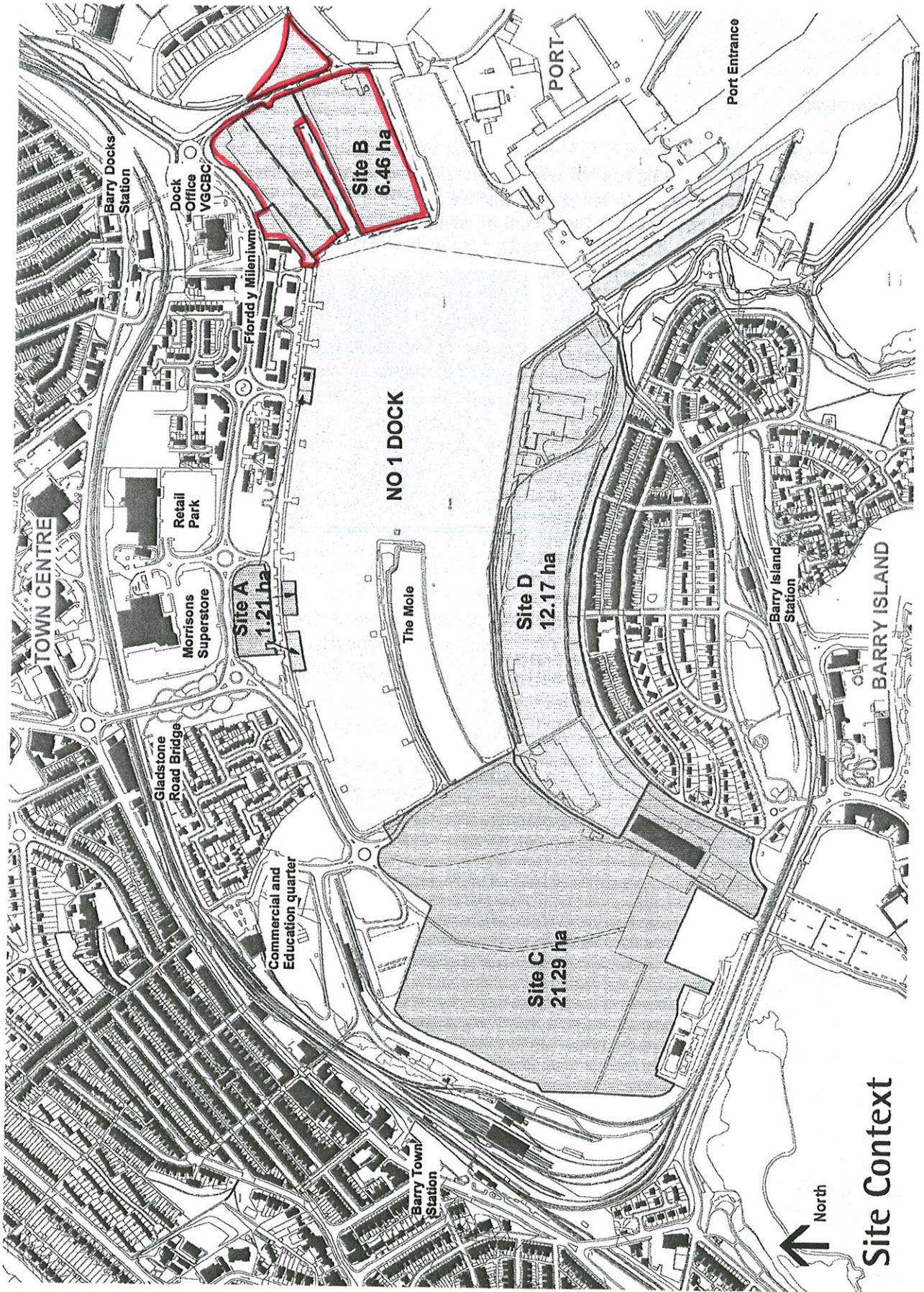
<ul style="list-style-type: none"> • Long term dismantling or decommissioning or restoration works? • Ongoing activity during decommissioning which could have an impact on the environment? • Influx of people to an area either temporarily or permanently? • Introduction of alien species? • Loss of native species or genetic diversity? • Any other changes? 	
2. LOCATION OF THE DEVELOPMENT	
(a) Existing land use	
Are there existing land uses on or around the location which could be affected by the development, e.g. residential, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying?	The site is within the urban area of Barry and is close to existing residential and commercial development. These may therefore be affected by the development, although it is considered that the effect will be positive and beneficial for the area.
Is the development located in a previously undeveloped area where there will be a loss of Greenfield land?	No
(b) Relative abundance, quality and regenerative capacity of natural resources in the area	
Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the development?	No
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology <ul style="list-style-type: none"> • Wetlands, watercourses or other waterbodies • The coastal zone • Mountains, forests or woodlands • Nature reserves and parks 	No
Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected?	An ecological report will accompany the planning application.
Are there any inland, coastal, marine or underground waters on or around the location which could be affected?	Yes, however, whilst the site is adjacent to the dock, it is not anticipated that it would be adversely affected by the proposed development.
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?	No
Are there any areas or features of high landscape or scenic value on	No

or around the location which could be affected?	
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?	No. The land is currently derelict. The proposal seeks to improve the public realm and public access into and around the Waterfront area.
Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected?	A Transportation Assessment is being undertaken
Is the development in a location where it is likely to be highly visible to many people?	Only localised views.
Are there any areas or features of historic or cultural importance on or around the location which could be affected?	The site is adjacent to the listed Barry Dock office.
Are there any areas on or around the location which are densely populated or built up, which could be affected?	The site is within the urban area of Barry and is close to existing residential and commercial development. These may therefore be affected by the development, although it is considered that the effect will be positive and beneficial for the area.
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected?	No
Is the location of the development susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the development to present environmental problems?	No

CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL EFFECTS – CHARACTERISTICS OF THE POTENTIAL IMPACT

(a) Extent of the impact	
Will the effect extend over a large area?	No
Will many people be affected?	No
(b) Transboundary nature of the impact	
Will there be any potential for transboundary impact?	No
(n.b. Development which has a significant effect on the environment in another Member State is likely to be very rare. It is for the Secretary of State to check Environmental Statements to decide whether there is likely to be such an effect in each case).	
(c) Magnitude and complexity of the impact	
Will there be a large change in environmental conditions?	The development is an area of regeneration that seeks to improve the environmental conditions of the site itself and the surrounding area.
Will the effect be unusual in the area or particularly complex?	No
Will many receptors other than people (fauna and flora, businesses, facilities) be affected?	This is unknown without undertaking an Ecological Assessment.
Will valuable or scarce features or resources be affected?	No
Is there a risk that environmental standards will be breached?	No
Is there a risk that protected sites, areas, features will be affected?	No
(d) Probability of the impact	
Is there a high probability of the effect occurring?	There is a high probability that the development will have a positive and beneficial impact upon the environment.
Is there a low probability of a potentially highly significant effect?	No
(e) Duration, frequency and reversibility of the impact	
Will the effect continue for a long time?	Most effects will be a result of the construction operations. Once completed, it is not anticipated that the finished development will negatively impact upon the environment. However, it is considered that the development will have a long term beneficial impact upon the environment.
Will the effect be permanent rather than temporary?	Yes as the development is permanent not temporary.
Will the impact be continuous rather than intermittent?	This is unknown.

If intermittent, will it be frequent rather than rare?	This is unknown.
Will the impact be irreversible?	No as mitigation can overcome any unforeseen effects that arise.
Will it be difficult to avoid or reduce or repair or compensate for the effect?	No this is unlikely.



Site Context

~~10830327~~ /01

VALE of GLAMORGAN



Date/Dyddiad: 8th February 2008
Ask i/oi/Gofynwch am: Administration
Telephone/Ffôn ffon: (01446) 704656
Fax/Ffacs: (01446) 704843
Your Ref/Eich Cyt: P/DC/2007/01682/SC2
My Ref/Cyt: Planning&Transport@valeofglamorgan.gov.uk
e-mail/e-bost:

The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT
Tel: (01446) 704600

Cyngor Bro Morgannwg
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT
Ffôn: (01446) 704600

www.valeofglamorgan.gov.uk

Nathaniel Lichfield & Partners,
1st Floor,
Westville House,
Fitzalan Court,
Cardiff.
CF24 0EL

Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999 : Schedule 4
Mixed use development including residential, leisure, education,
community facilities, employment, hotel and retail use
at Sites C and D - West Pond & South Quay, Barry Waterfront**

The Council in accordance with the application and plans registered by the Council on 10th December 2007 is of the opinion that 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:

1. That, in addition to the scope of the Environmental Statement identified in the supporting submissions, that the proposed Environmental Statement cover those matters raised in the Officers report and identified in greater details in the attached consultation letters.

Yours faithfully,

Head of Planning and Transportation

Correspondence is welcomed in Welsh or English/Croeso i'r Gofreithwr yn y Gymraeg neu yn Saesneg

John Maitland Evans, Chief Executive/Prif Weithredwr

Directors/Cyfarwyddwyr: Sian Davies, Finance, ICT & Property Services/Cyflid, TGC ac Eiddo; Peter Evans, Legal, Public Protection and Housing Services / Gwasanaethau Cyfriniedd a Chymhellwch;
Bryan Jeffreys, Learning & Development/Dysgu a Datblygu; Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylcheddol ac Economaidd;
Mark Wheeler, Social Services/Gwasanaethau Cymdeithasol

Consultation response: Head of Economic Development & Leisure (Ecology).

Environmental Impact Assessment – Scoping request (Ecology).

APPLICATION NUMBER: 2007/01682/SC2.

APPLICATION SITE: Sites C and D – West Pond and South Quay, Barry Waterfront.

Mixed use development including residential, leisure, education, community facilities, employment, hotel and retail use.

Designated sites

- Any Environmental Statement (ES) should automatically include assessment of relevant direct and secondary impacts on statutory and non-statutory designated sites located within or outside the application site (including candidate Sites of Importance for Nature Conservation), although it is recognised that no statutory or non-statutory designations lie within the site boundary.

Habitats and Species

To enable the impacts on biodiversity to be fully assessed, the ES should include baseline surveys, assessment of impacts (including both direct and secondary), mitigation measures where appropriate, and statement of significance, to include the following:

- Habitats:
 - Identification and mapping of all habitats present on site using a Phase 1 approach. This should include identification of habitats which have potential to support any protected species or Wales / UK / local Priority species.
 - Phase II/detailed survey of any UK/Wales/local Priority habitats present on site, including hedgerows, which should be assessed to ascertain whether or not they qualify as Important under the Hedgerow Regs. 1997.
- Birds: whole site baseline survey to include breeding bird survey.
- Any protected species which have potential to be affected, and in particular:
 - All bat species (including surveys of trees / buildings / foraging surveys as necessary).
 - Barn owl (Wildlife and Countryside Act Schedule 1 species).
 - Great crested newt: Water bodies are potentially present within site and within 500m radius of site boundary (which is the recognised foraging range for great crested newt) these could potentially support great crested newt.
 - Badger.

- Reptiles.
- Any Wales / UK/ Local Priority species which have potential to be affected.

Specific arboricultural matters to be included in the scope of the Environmental Statement.

The scope of the Environmental Assessment should include identification of and assessment of the impacts on any hedgerows, mature or veteran trees on site, and all trees and woodlands protected by Tree Preservation Orders. The assessment should be conducted by qualified arboriculturalists.

how why separate chapter?

Ball, Steve J

From: Fray, Christopher
Sent: 17 December 2007 09:43
To: Ball, Steve J
Subject: RE: Waterfront Barry - Scoping Opinion
Sensitivity: Confidential

Steve

I have read the letter from NLP and have no comments at this stage.

I have also circulated to colleagues who were not incl on your circulation list in case they have comments.

Regards

Chris

From: Ball, Steve J
Sent: 10 December 2007 10:38
To: Quick, Robert J; Thomas, Rob; Abraham, Victoria L; Dent, John; Punter, Miles E; Gay, Paul; ecology; James, Kristian; ray, Christopher
Cc: 'enquiries@environment-agency.gov.uk'; 'Neil Maylan'
Subject: Waterfront Barry - Scoping Opinion
Sensitivity: Confidential

Dear All,

Please be advised that I have just received a formal **Scoping Opinion** in respect of the required Environmental Impact Assessment for West Pond/ South Quay (Barry Waterfront Phase II).

Although formal consultation letters are in the post today for many of you, for speed and ease of reference I have attached a copy of their application (ref. 2007/01682/SC2), upon which I would appreciate any feedback/ formal consultation responses upon, particularly with respect to the scope of the specific elements identified, and upon any exclusions / additional requirements that you may identify.

Although formal consultation has been requested by 7th January 2008, I would appreciate any response within the next **10 days if possible** (due to Christmas 'issues') in order that I may formulate a report and, if necessary, undertake further discussions/ consultations.

Thanks

Steve

Steve Ball
Principal Planning Officer (Development Control)

☎ 01446 704602
FAX: 01446 704847
✉ SJBall@valeofglamorgan.gov.uk

19/12/2007

Ball, Steve J

From: Gay, Paul
Sent: 12 December 2007 16:48
To: Ball, Steve J
Cc: Perkins, Christopher
Subject: FW: Waterfront Barry - Scoping Opinion
Sensitivity: Confidential

Steve --
Please find comments from Chris as promised.
Regards, Paul

From: Perkins, Christopher
Sent: 12 December 2007 16:34
To: Gay, Paul
Cc: Bosley, Allan P
Subject: RE: Waterfront Barry - Scoping Opinion
Sensitivity: Confidential

Paul

The following issues need to be considered;

- Coastal flood risk management
 - Management of Old Harbour sea defences, flood risk from sea level rise
 - Management of ABP Dock gates, flood risk from sea level rise
 - Coastal management policy for this section is "hold the line"
- Contaminated land both plots, ABP have done preparatory works in the past, however this was done some years ago and may now require additional work due to changes in legislation.
- Made ground in many areas
- Ground water regime is tidal
- Investigation of existing watercourses?
- Surface water discharge to dock, consent from ABP/EA
- Existing and proposed highway drainage, Existing Petrol interceptors (2No.) adjacent to the development plots (at Rbt.)
- Public rights of way? Clive Road Steps
- Management of the escarpment to the rear of Barry Island residential area, in terms of stability and drainage
- Impact of adjacent land use, Vale of Glamorgan Railway Company/Network rail/EWS site (VGC) etc.
- Existing DCWW Pumping station
- Access to Barry Yacht Club/Jacksons Bay/RNLI/Barry Dock
- Habitats

Chris Perkins

From: Gay, Paul
Sent: 10 December 2007 10:54
To: Perkins, Christopher
Subject: FW: Waterfront Barry - Scoping Opinion
Sensitivity: Confidential

19/12/2007

Ball, Steve J

From: Gay, Paul
Sent: 12 December 2007 16:47
To: Ball, Steve J
Cc: Bevan, Tom F; Hodge, Tony; Perkins, Christopher
Subject: RE: Waterfront Barry - Scoping Opinion
Sensitivity: Confidential

Steve --

I have run this information passed my Group Engineer Highway Development (Tom Bevan) and Group Engineer Highways and Traffic (Tony Hodge) and at this stage they have nothing to add. It has been noted that the extent of the TA was discussed at the meeting on Friday.

We look forward to the workshop as proposed on Friday so that we can establish the Council's highway aspirations regarding the connection to the Island and our interpretation of Manual for Streets.

I have also asked Chris Perkins (Highway Structures and Engineering Projects) to look at the drainage/coastal issues and he will respond separately.

Regards, Paul

From: Ball, Steve J
Sent: 10 December 2007 10:38
To: Quick, Robert J; Thomas, Rob; Abraham, Victoria L; Dent, John; Punter, Miles E; Gay, Paul; ecology; James, Kristian; Fray, Christopher
Cc: 'enquiries@environment-agency.gov.uk'; 'Neil Maylan'
Subject: Waterfront Barry - Scoping Opinion
Sensitivity: Confidential

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Although formal consultation letters are in the post today for many of you, for speed and ease of reference I have attached a copy of their application (ref. 2007/01682/SC2), upon which I would appreciate any feedback/ formal consultation responses upon, particularly with respect to the scope of the specific elements identified, and upon any exclusions / additional requirements that you may identify.

Although formal consultation has been requested by 7th January 2008, I would appreciate any response within the next **10 days if possible** (due to Christmas 'issues') in order that I may formulate a report and, if necessary, undertake further discussions/ consultations.

Thanks

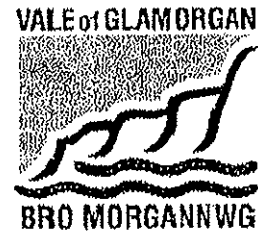
Steve

Steve Ball
Principal Planning Officer (Development Control)

☎ 01446 704602
FAX: 01446 704847
✉ SJBall@valeofglamorgan.gov.uk

19/12/2007

Highway Observations



07 / 01682 / SC2

Re:- Sites C & D – West Pond & South Quay, Barry Waterfront.

In relation to the above application the Highway Authority would advise the Local Planning Authority that there are no objections to the development of sites " C " and " D " outlined in " Red " on the attached site Location Plan in principle subject to :-

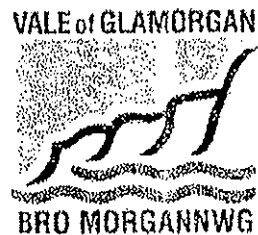
- (1) The applicant submits for consideration by the Local Planning Authority a comprehensive Transport Assessment (TA) which shall take into account trip generation and distribution for all modes of transport inclusive of cycling and walking for the Local Highway Network and surrounding major and minor junctions which may be affected during the site remediation, the construction phases / period, generated by the completed mixed developments and of the Councils Highway Departments aspiration to for a direct route from Barry Island connecting to the end of the existing 7.3m wide Local Distributor Road (Ffordd y Mileniwm).
- (2) The Applicant / Developer is advised by the Local Planning Authority that the aforementioned aspired Local Distributor Road linking Barry Island and Ffordd y Mileniwm and associated junctions shall be designed in accordance with The Design Manual for Roads and Bridges with a width of not less than 7.3m for its entire length.

L. M. Howells
20th December 2007

Planning Officer :-Steve J Ball

MEMORANDUM / COFNOD

The Vale of Glamorgan Council
Public Protection Services
Legal, Public Protection and Housing Services Directorate
Civic Offices, Holton Road
BARRY, CF63 4RU



To:	Mr S J Ball
Dept / Adran:	
Date/Dyddiad	18th December 2007
Your Ref / Eich Cyf:	P/DC/SJB/07/01682/SC2

From / Oddi Wrth:	Kristian D James Pollution Section
My Ref/Cyf	KDJ/217481
Tel / Ffôn:	01446 709105
Fax / Ffacs:	01446 709449

Subject /
Testyn: **Re: Planning Application No - 07/01682/SC2
Sites C & D West Pond & South, The Waterfront, Barry.
Mixed use development including residential, leisure, education,
community facilities, hotel and retail use**

I refer to your memorandum received by this department on 12th December 2007, this department has Comments to make regarding the above application

We have reviewed the submissions by Nathaniel Lichfield & Partners. The submission covers most of the required information. However, we would add the following comment

Air Quality / Dust

The Air Quality and Traffic Assessments shall include impact on the local main thoroughfares including data for anticipated traffic flows and contribution to air quality. The range of this assessment should include reference to knock on effects to all routes into Cardiff including Cogan and Merry Harrier intersections.

Dust

The EIA should include details of scheme to control dust during demolition, remediation and construction phases

Noise

The EIA should include details of scheme to control noise during demolition, remediation and construction phases

Land Contamination

A full-contaminated land assessment and associated remedial strategy should be submitted with the Environmental Statement to be approved by the LPA. The assessment should contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the LPA:

A Phase I Preliminary Risk Assessment (Desk Study) should be submitted to the LPA for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination;

Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the LPA and Environment Agency must be fully established before any site surveys are commenced.

A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy should be submitted to the LPA. The LPA and Environment Agency must approve any such remedial works as required, prior to any remediation commencing on site. The remedial works must render harmless the identified contamination given the proposed end-use of the site and the surrounding environment including any controlled waters.

The approved remediation works should be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed.

Upon completion of the works, a verification report must be submitted to and approved by the LPA. The verification report should include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

End Use

Forethought is required to avoid possible conflict of amenity between end users including

- Noise between residential and non-residential
 - Odour from A3 establishments and industry
 - Artificial Lighting schemes
- slow?*
Lighting Impact?

We would welcome direct discussions with the developer and their consultants at the earliest opportunity.


Kristian D James
Team Leader, Env Health (Pollution)

D.E.E.R
RECEIVED
ACTION WITH SJB
creating a better place NO: 288
ACK:

RECEIVED

18 JAN 2008

ENVIRONMENTAL
AND PLANNING
REGISTRATION



Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

Mr Steve Ball
Vale of Glamorgan Council
Docks Office Subway Road
Barry
South Glamorgan
CF63 4RT

Ein cyf/Our ref: SE/2007/104735/01-L01
Eich cyf/Your ref: 2007/01682/SC2

Dyddiad/Date: 09 January 2008

Annwyl Mr Ball / Dear Mr Ball

REQUEST FOR FORMAL SCOPING OPINION SITES C & D - WEST POND AND SOUTH QUAY, BARRY WATERFRONT

Thank you for consulting us on the scope of the Environmental Statement for the above site. We have considered the letter from Nathaniel Lichfield and Partners dated 27 November 2007. We have commented on the sections of the report as proposed in the above letter, and have additionally made reference to other issues that the developer should consider.

Ecological assessment

We agree with the scope of the proposed ecological assessment.

There is a drain indicated on the OS map and this feature should be considered when drawing up the final development plan. Incorporating SuDS into this feature and creating wildlife habitat should be considered as an opportunity to enhance the biodiversity of the site. }

Aerial photos indicate that there are buildings on the site. A bat survey should be carried out to ensure no bat habitat is disturbed as a result of the development.

Water resources and flood risk

There are two licenced abstractions within 1.5 km of the site. It is the responsibility of the applicant to ensure that the development will not affect any water features (ie. wells, boreholes, springs, streams or ponds) in the area, including licenced and unlicenced abstractions.

The majority of sites C and D lie within Zone B as defined by the development advice

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Llinell gwasanaethau cwsmeriaid/Customer services line: 08708 506 506
E-bost/Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk
Cont/d..

TAN 15



Yn parhannu'n ddwyfynhau
Yn parhannu'n ddwyfynhau

map (dam) referred to under TAN 15. As indicated in the Water Resources & Flood Risk section of the scoping study submitted by Nathaniel Lichfield and Partners, a small portion of the site lies within Zone C2, and, as indicated, a flood consequence assessment should be undertaken and submitted to ourselves for consideration.

The Environmental Statement must consider the potential effects of surface water runoff as the development and its associated infrastructure has the potential to generate a significant volume of surface water run-off. The developer should refer to Section 8 of TAN15 Development and Flood Risk (July 2004).

It is recommended that the developer consults with the Local Authority's Engineers Department in order to establish that should any surface water drainage from this site be discharged to a watercourse, ditch or culvert (excluding statutory main rivers) that such discharge will not cause or exacerbate any flooding in this catchment.

The surface water drainage system of any new development should be designed in accordance with Sustainable Urban Drainage (SUDS) principles.

Ground remediation

We agree with the scope of the ground remediation section of the report at this stage.

As stated in the letter, a scheme to deal with the risks associated with contamination of the site should be submitted. The scheme should include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

The method statement will also need to include provision for dealing with contamination not previously identified being found during the development.

In order to meet the above requirements The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.

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2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

3) Refer to our website at www.environment-agency.gov.uk for more information.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i.) Duty of Care Regulations 1991
- ii.) Hazardous Waste (England and Wales) Regulations 2005
- iii.) Waste Management Licensing Regulations 1994 (as amended)
- lii.) Pollution Prevention and Control Regulations (England and Wales) 2000
- iv.) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Please note that the proposed development lies within 250 metres of a former landfill site. This site received inert material such as top and subsoils only. We consider it unlikely that this is are producing landfill gas in any quantity sufficient to become hazardous. However, we would advise that as part of the remediation measures, that the applicant contacts a consultant competent in the investigation and assessment of a site which may have potential gas problems. Suitable remedial measures, as agreed with Local Authority, incorporated into the development should alleviate any possible problems. The applicant should be informed that the responsibility for the safe development and secure occupancy of this development rests with them. The comments and advice given above for the landfill site are made entirely without prejudice and without any liability, accepted, implied or given on behalf of the Environment Agency.

If the remediation works will involve dewatering the applicant should contact either our Water Resources team (tel: 02920 245139) or Groundwater team (tel: 02920245043) for more information. There is currently an exemption that applies to abstractions for dewatering, however this is likely to be removed (at a date after April 2008). Dewatering can still take place lawfully during this period. If the dewatering is long term (beyond April 2009), then an application may be required.

Foul drainage

The ES should demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution of surface or ground water. As the site is located in a sewered area, any effluent disposal (whether sewage or trade) should be to foul sewer.

Pollution prevention

The construction phase of the development would have the potential to cause water pollution. We note that a watercourse (drain) runs through the site area. The site also lie adjacent to No 1 Dock. We would expect the Environmental Statement to address the significant pollution risk posed by the construction phase and to provide details on the mitigation measures that are proposed to prevent pollution of watercourses by silt or other contaminants.

The Guidance document Pollution Prevention Guideline 6; "Working at construction and demolition sites", which is available on our website, gives best practice information for the storage of fuels and waste disposal during construction works. The developer should make themselves familiar with the guidance prior to the commencement of any activities. Please see www.environment-agency.gov.uk/ppg for further information. The developer should also follow the guidance contained within the leaflet 'Silt Pollution and How to Avoid It', which is also available on our website.

We would require full consultation should this development proceed. Prior to works commencing a Method Statement should be agreed with us. This should include all measures taken to prevent detriment to the environment and any contingency plans, with reference in particular to the minimisation of risk of pollution of watercourses and waterbodies with silt, and the storage of fuels and any other hazardous materials stored on site. The method statement should also take into account the protection of groundwater.

Access roads on site should be constructed in such a way, and of such material, that suspended solids are not allowed to wash off site and discharge to watercourses or waterbodies during periods of heavy rain. Where there is a risk of such a discharge, adequate interception facilities should be put in place to ensure that there is no adverse affect on water quality. The developer should consider the construction of temporary silt traps and provision should be made for their maintenance. Roadside drains likely to carry high sediment loads must not be allowed to discharge directly to watercourses. No rainwater contaminated with silt/soil from disturbed ground during construction must drain to watercourses without sufficient settlement.

Where there is a likelihood of site drainage containing suspended solids and/or silt the effluent should be contained within a settlement lagoon or similar facility, such that any discharge from site be free of suspended solids. These facilities should be capable of containing the effluent from a 1 in 100 year plus 20% rainfall event.

Fuel and oil storage and refuelling operations on site should be contained within a bunded area to ensure that no spillage can escape into the aquatic environment.

Any washing out facilities for concrete mixers on site should be constructed in such a way that all effluent produced is contained and this effluent should be disposed of in accordance with all current waste management legislation.

Additional information

There is no mention of abstracting for any purpose in the proposal but the applicants should be aware if they intend to abstract from any inland water or underground strata under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Environment Agency . This is dependent on water

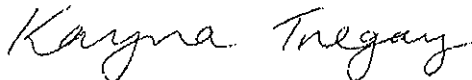
resource availability and may not be granted. Under the terms of the Water Resources Act 1991, an Impounding Licence may be required from the Environment Agency for the impounding of any watercourse, ditch or stream (e.g. by dam, weir etc).

The applicant should also be aware that there is an ordinary watercourse running through Site C and pursuant to Section 23 of Land Drainage Act 1991, the prior formal flood defence consent of the Environment Agency is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936. The Environment Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

The responsibility for the maintenance and good order of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.

I trust the above is clear and helpful, but should you have any queries, please do not hesitate to contact me.

Yn ddiffuant / Yours sincerely



Miss Kayna Tregay
Planning Liaison Officer

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