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Fy Nghyf/My Ref:
22/1149/10

Gofynnwch am-Please ask for:
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Dyddiad/Date:
13/12/2022

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES) REGULATIONS 2017

DATBLYGIAD ARFAETHEDIG/ PROPOSAL : Construction of aggregates recovery facility

LLEOLIAD /LOCATION: Forest Wood Quarry, Cowbridge Road, Talygarn, Pont-Y-Clun, CF72 9XD

Dear Dr Watcham,

I write with regard to our correspondence and telephone conversation in respect of the above and that the Planning Authority (LPA) considers that this application may constitute EIA development.

In particular, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (hereafter the 'Regulations') sets out various development types and applicable thresholds/criteria to classify whether or not a proposal is a Schedule 2 development, i.e., whether EIA is required or not.

Regulation 8 outlines the procedure that the LPA must follow where it appears, post submission, that a planning application may be a Schedule 2 development. In the first instance, this is that the LPA must treat the lodging of the application as a request for a screening opinion, as described within Regulation 6.

Notwithstanding that the application has been technically invalid, due to outstanding issues relating to the PAC, this letter constitutes the screening opinion of the LPA.

Site description

The application site comprises a parcel of land with a surface area of approximately 1.68 hectares which is within the curtilage of Forest Wood Quarry. The Quarry, which comprises a total area of 29 hectares, lies in open countryside to the south of Llanharry and the M4 motorway and produces a range of limestone aggregates.

Access to the site is via an unadopted lane which connects with the A4222 Cowbridge Road approximately 300m to the south-east. The southernmost section of the road and A4222 junction is within the Vale of Glamorgan, which is also the case for the extension to the working area approved in 2001.

In addition to the site office, and lab/storage building, there are a couple of prominent structures within the quarry, one of which is a disused concrete batching plant used by the former site operator Hanson. The second structure is a very tall asphalt plant owned and operated by a separate company Breedon, which has operations across all regions of the UK and Ireland.

There are a handful of dwellings/agricultural units within the immediate surrounding area, the closest of which, to the area in question, are located around 190m to the south, 340m to the south-east and 370m to the north-east.

Proposal

From the information submitted with the application I note that the proposal is for an aggregates recycling facility, for the purposes of recovering aggregates from inert construction and demolition waste, and from the approximately 1 million tonnes of material that has been tipped and left around the site by the previous operator.

These operations would result in a maximum annual throughput of 200,000 tonnes per annum, in addition to the current material produced at the Quarry.

In addition to introducing a new Waste Development use to the Forest Wood site, the proposal would also include the construction of fixed recovery plant, set on concrete hardstanding and a vehicle loading ramp.

The proposal details, which have been accompanied by a Preliminary Ecological Assessment, Drainage Strategy, Noise Assessment, Transport Statement and Planning Statement, identify additional excavation, landscaping and the provision of acoustic screening, via bund and fence.

Consideration

The LPA has considered the proposed development in accordance with the guidance set out in Schedule 2 of the Regulations, as follows:

The development would fall within the scope of Class 11(b)(ii) (Other projects) on account of the area of the development exceeding 0.5 hectares.

Consequently, having had regard to the criteria set out within Schedule 3 of the Regulations, it is considered that the development would not constitute EIA development and that a future planning application would not require the submission of an Environmental Statement (ES). The reasons for this judgement are as follows:

The recovery plant would be located within an existing quarry and would represent an additional use. Nonetheless it would neither result in such a physical change to the locality, nor require a use of natural resources, that would be considered significant in terms of the Regulations.

In respect of cumulative impacts, relating to the existing development, the context of the site has been considered, and in particular, the scope of the operations permitted by the extant planning permissions. Also relevant, in this regard, is that no planning permission would be required to re-work the 1 million tonnes of aggregate currently within the quarry by the use of mobile plant.

It is noted that there would be a visual impact on the vicinity of the site, but that this impact would be a local one. Viewed in its setting, alongside the landform of the quarry and existing large structures within it, the development would not be considered to represent a significant change in terms of the Regulations.

The matters of pollution and noise nuisance, including any risks to human health, are largely considered within the submitted Noise Report, Transport Statement and Planning Statement. Whilst these matters and those listed above are still important and will be material to the determination of a planning application and the response of consultees, in terms of the Regulations they are not considered to be significant.

Lastly, guidance has been provided by the UK Government to assist LPAs in their interpretation of the Regulations. This guidance states that "sites seeking only to accept inert wastes (demolition rubble etc.) are unlikely to require Environmental Impact Assessment".

Although similar guidance has not been produced by the Welsh Government, the Schedule 2 Class 11 (b) description and thresholds in the English and Welsh versions of the Regulations are the same, and both are derived from the same primary legislation. It is considered reasonable, therefore, to note that guidance.

If you disagree with the Council's position, I should advise that you are entitled to apply for a separate screening direction from the Planning Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Lastly, the comments contained within this screening opinion relate only to the consideration of whether an EIA is required and are made without prejudice to the determination of any future planning application.

Yours sincerely,

Giles Howard *BA (Hons), MA, MRTPI*

Uwch Swyddog Cynllunio (Rheoli Datblygu) | Senior Planning Officer (Development Management)

Ffyniant a Datblygiad | Prosperity and Development