

Application No. / Rhif Cais: **SC/22/00003/MJR**
Date / Dyddiad: 31/05/2022
Please ask for / Gofynnwch am : Justin Jones
Email / Ebost: jjones@cardiff.gov.uk



Mr L Taylor
Boyer Planning Limited
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Cardiff
CF10 3AF

Dear Mr Taylor

Town and Country Planning Acts 1990 (As Amended)

Proposal: SCREENING OPINION FOR PROPOSAL FOR A NEW METAL SHREDDER AND RELATED WORKS
Location: CELSA MANUFACTURING UK, ROVER WAY, PENGAM, CARDIFF, CF24 5TH

I refer to your application dated 21/03/22 requesting an EIA Screening opinion for a new metal shredder & related Works. The information in support of the screen opinion request accords with the requirements of regulation 6 (2) of the Town And Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 to allow the Local Planning Authority to provide a screening opinion.

The above proposal has been screened with regard to the need for the preparation of an Environmental Statement to accompany any planning application as may be submitted, in accordance with regulation 6 (1) of the Town And Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017..

In accordance with the powers delegated to me by the County Council under the above Act, my decision is as follows:

The proposals have been considered and when assessed cumulatively with the adjoining Celsa development and adjoining, are considered unlikely to realise such significant environmental effects as to warrant the submission of an Environmental Statement to allow the Local Planning Authority to fully understand the environmental implications of the proposal.

Reasoning:

The reasons for this decision are that:

Schedule 1

The proposed development does not fall within Schedule 1 of the Town And Country

Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("The Regulations"), for which Environmental Impact Assessment would be mandatory.

Schedule 2

The development is confirmed to be considered "Installations for the processing of ferrous metals" within Schedule 2 of the Regulations (category 4 (b)), and as required by category changes and extension (category 13 (b)) my opinion must take into account any planning permission (implemented or not implemented) which cumulatively would result in development that exceeds the thresholds set within category 4 b of the above schedule.

Thereafter, Schedule 3 of the Town And Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("The Regulations") requires the screening Authority to consider the likely impact under the following headings for Schedule 2 development:

Characteristics of development

1. The characteristics of development must be considered having regard, in particular, to—

(a) the size and design of the development;

The proposal is for the development of 3.65 Ha in an industrial area (B2 uses). The proposal seeks to instal a shredder for the processing of metals.

(b) the cumulation with other existing development and/or approved development;

The application site, itself, is below the minimum threshold set within Schedule 2 (4b). Consideration has been given to other developments within the area, most notably applications 19/011918/MJR (Asphalt batching plant) which is located adjoining this site and was considered to be EIA development due to its noise and smell, this application is operational on site and application reference 17/02130/MJR (bio mass plant and B8 uses), sited on land outside the applicant control and was also EIA development but has not been implemented on site but has been renewed through application 20/01279/MJR with an additional permission for B8 (50,000m²) industrial use which was considered not to be EIA development.

Taken into account the above and the physical separation the proposal is not linked to other EIA development and can be considered on its own account. Therefore, it is considered that the proposal would not result in significant impact upon the environment to require an Environmental statement assessment

(c) the use of natural resources, in particular land, soil, water and biodiversity;

Based upon the submitted information it is not clear to what extent the impact will be upon soil, water or biodiversity. The submitted information suggest activities and construction of the site would not have an effect upon what is industrial land that contain industrial uses. Matters of drainage can be considered and conditioned through any planning permission

(d) the production of waste;

The proposal seeks to use scrap metal (various grades) to be shredded to allow the metal to be used at the adjoining steel works.

(e) pollution and nuisances;

It is recognised that the process can be noisy and create dust as a result the proposal has incorporated design mitigations into the proposal to reduce these matters. However, the existing context is already noisy being B2 uses. The LPA have considered the nearest noise sensitive noise receptors (located at the travelling community site sited 0.6KM to the east of the site, Willows Avenue, sited 0.5km to the north with the steel works in between and Hind Close, site 0.75km to the north east of the site).

(f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;

No information has been submitted to suggest the proposal is likely to represent a significant risk in respect of the above, and the Local Planning Authority is not aware of any.

(g) the risks to human health (for example due to water contamination or air pollution).

No information has been submitted to suggest the proposal is likely to represent a significant risk in respect of the above and the Local Planning Authority is not aware of any.

Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—

(a) the existing and approved land use;

The site in question is identified as existing B2/B8 uses in the Cardiff LDP: The proposal would be in accordance with adopted LDP and is compatible with existing uses.

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

unknown

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

(i) wetlands, riparian areas, river mouths;

Unknown

(ii) coastal zones and the marine environment;

The proposal is in close proximity of the Severn Estuary. However, given the separation of intervening land and the existing industrial uses within the area, the proposal is not considered to result in a significant impact upon the Severn Estuary.

(iii) mountain and forest areas;

N/A

(iv) nature reserves and parks;

N/A

(v) European sites and other areas classified or protected under national legislation;

The site is located approximately 240 meters from the Severn Estuary RAMSAR site with intervening mound separating the site. Severn Estuary is designated due to its large tidally range (2nd largest in the world) and the mud flats that attract migrating winter birds along with creating a unique habitat that has evolved due to the peculiarities of the estuary. The proposal is considered given the separation and existing uses not to have a significant effect upon the designation of the Severn Estuary.

(vi) areas in which there has already been a failure to meet the environmental quality standards laid down in Union legislation and relevant to the project, or in which it is considered there is such a failure;

None that the LPA are aware of.

(vii) densely populated areas;

The site itself is not located within a densely populated area but to the north of the site and beyond the existing steel works, is a wards of splott and Tremofra, which are densely populated areas. Given the proposal and context it is considered that this proposal would not have a significant effect upon the existing population.

(viii) landscapes and sites of historical, cultural or archaeological significance.

The site is not known/considered likely to be to subject of the above.

Types and characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected); The proposal, along with the adjoining development has/will further increase the population of this area from that of rural fields.

(b) the nature of the impact;

The impact from the proposal would have a local effect in relation to noise and dust. However, given the existing context of existing industrial processes it is considered the impact from the shredder would be low.

(c) the transboundary nature of the impact;

There are no trans boundary issues with this proposal.

(d) the intensity and complexity of the impact;

The project scale is not significantly large. The proposed development is also not reliant on complex infrastructure improvements, nor is in contingent on the delivery of additional land / sites. In addition, the project comprises the installation of a shredder for the processing of

metals in an already heavily industrial area. There will not therefore, be any complex effects.

(e) the probability of the impact;

There will not be any significant effects as a result of the development. During the construction phase non-significant and localised impacts may be presented in terms of an increase in congestion along Rover Way but these can be assessed through the planning process and at this stage it is considered that Rover Way can accommodate any anticipated capacity.

(f) the expected onset, duration, frequency and reversibility of the impact;

The construction and operational phases of the development are estimated to commence in Spring/Summer 2023. The construction phase will take approximately 2 months to complete.

The construction phase will lead to temporary impacts and the occupational phase to permanent impacts. However, as detailed above these will not be significant and mitigated where possible.

Impacts during the construction phase will occur for a 2- month period, commencing in spring 2023. Construction related impacts will vary in frequency, depending on the activities undertaken. However, any such impacts will be localised in nature and will not give rise to significant adverse effects

The impact would be continuous and could not be reversed

(g) the cumulation of the impact with the impact of other existing and/or approved development;

Consideration has been given to other developments within the area, most notably applications 19/011918/MJR (Asphalt batching plant) which is located adjoining this site and was considered to be EIA development due to its noise and smell, this application is operational on site and application reference 17/02130/MJR (bio mass plant and B8 uses), sited on land outside the applicant control and was also EIA development but has not been implemented on site but has been renewed through application 20/01279/MJR with an additional permission for B8 (50,000m²) industrial use which was considered not to be EIA development. However, given the existing use of the land it is considered that proposal, when combined with other development will not result in significant environmental impacts that have already been considered and assessed

(h) the possibility of effectively reducing the impact.

The applicant has suggest a package of mitigations which are best considered as part of an Environmental Statement or in the form of appropriate technical submissions supporting a planning application which can be further considered as part of a formal scoping exercise.

As such, it is concluded that the applicable thresholds for requiring an Environmental Assessment are not met and that the Environmental Impacts of the development as described, when combined with the adjoining consented scheme are unlikely to realise such significant environmental effects as to warrant the submission of an Environmental Statement.

Matters for the applicant to consider outside the scope of the EIA screening process

l) The council's Ecology Officer wishes the applicant to be made aware of the following:

- Having assessed the documents submitted I am inclined to agree that although the development falls into Schedule 2, Table 4, point b, significant environmental affects are unlikely, should avoidance, mitigation, compensation and enhancement be undertaken. That said a Habitat Regulations Assessment will be required to ensure that impacts upon the Severn Estuary Ramsar SAC SPA SSSI, are fully captured by legislation covering that aspect.
- As is stated, we welcome that a Preliminary Ecological Appraisal (PEA) will be undertake at the site. During the Extended Phase 1 Habitat Survey, it would be prudent to include a 20m buffer of the boundary where there are no barriers such as roads. Care should be taken with regards to potentially rare plant species that may grow on the disturbed ground of the site, and whether Open Mosaic Habitats on Previously Developed Land, considered a Habitat of Principal Importance could be present. It is advised that the results of the PEA (and further ecological surveys) are input into a standalone Ecological Impact Assessment (EclA) which must be undertaken in accordance with the Guidelines for Ecological Impact Assessment in the UK and Ireland' V1.1 September 2019.
- The Severn Estuary Ramsar SAC SPA SSSI and its proximity to the site must be considered as part of this proposal as per the Conservation of Habitats and Species Regulations 2017 Section 63. We understand that controls have been inbuilt into the proposals to reduce for example; noise, dust etc, regardless of the Severn Estuary, which may have already eliminated impacts upon it as "best practice". However, a shadow Habitat Regulations Assessment (sHRA) - as a minimum screening assessment (but may include all 3 stages), should be undertaken so we as the competent (Local Planning Authority (LPA)) can as required "appropriately assess" how the facility will employ inbuilt mitigation "best practice", mitigation and compensation if required, to ensure that significant effects are unlikely to occur on this national site or be compensated. Particular consideration should be given to how surface water contamination will be managed/controlled and how this will be processed, current ground contamination (with respect to leaching of pollutants), and how potential dust emissions from the construction stage, operational stage and the movement of vehicles will be controlled. Additional aspects may be flagged for inclusion as the sHRA process is undertaken, based upon the qualifying features/objectives of the Severn Estuary.

A HRA can consist of up to three stages:

- Stage 1: Screening;
- Stage 2: Appropriate Assessment;
- Stage 3: Derogations: 3 legal tests to decide if the proposal qualifies for a derogation, you must apply the 3 legal tests in the following order:
 - There are no feasible alternative solutions that would be less damaging or avoid damage to the site;
 - The proposal needs to be carried out for imperative reasons of overriding public interest; and
 - The necessary compensatory measures can be secured.

It is imperative that in combination affects are fully considered in the sHRA, given there are multiple large developments occurring/potentially occurring nearby. One of which is :

21/02182/MJR -Land of Rover Way which is also adjacent to the primary employment

area EC1.3 at Rover Way.

It is imperative that the “People over Wind” case law is considered at Stages 1 and 2. If subject to derogation, the Welsh Government will be informed once plans for compensation are finalised. The Welsh Government would then ultimately approve the project.

The LPA and where required, NRW, will review the sHRA and undertake our own “appropriate assessment” as required, potentially conditioning aspects discussed, to facilitate planning approval. Equally we may also request further information/edits to the sHRA produced prior to approval.

- It is imperative that appropriate enhancements are considered as part of the development.

This is to satisfy the “biodiversity and resilience of ecosystems duty” of the Environment Wales (Act) 2016. This is enshrined into LDP policies EN5 and EN7 to ensure that developments enhance the environment.

II) The applicant is also to be aware that there is a main public sewer pipe running through the site and that before the submission of a planning application the applicant should consult with Welsh Water to ensure the proposal does affect their infrastructure or their easements.

III) Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval. It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

IV) Any works to the public highway to be undertaken by the developer, are to be subject to agreement(s) under Section 38 and/or Section 278 of the Highways Act 1980 between the developer and Council.

Yours sincerely



Simon Gilbert
Head of Planning