



Your ref/Eich cyf:
Our ref/Ein cyf: RMcA/14/P/00143
Date/Dyddiad: 11 July 2014

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Dear Mr Lucas

TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND & WALES) REGULATIONS 1999
SCOPING OPINION, MAMILAD URBAN VILLAGE DEVELOPMENT

Please find attached the Authority's scoping opinion, issued under Regulation 10 of the above legislation, in response to your request of 7 March.

Yours sincerely

NORMAN JONES
TEAM LEADER
DEVELOPMENT CONTROL

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REPORT TO THE CHIEF OFFICER, PLANNING & PUBLIC PROTECTION
DEPARTMENT

Date: 10 July 2014

SCOPING OPINION – DEVELOPMENT AT MAMILHAD, 14/P/00143

1 Purpose of Report

- 1.1 To identify the information which needs to be incorporated into an Environmental Assessment for the above scheme.

2 Background

- 2.1. A request has now been made under Section 10 of the Regulations for the Authority to provide the applicant intending to submit an EIA application with a statement in writing as to the information to be provided in the Environmental Statement (a 'scoping' opinion).
- 2.3. Before adopting a scoping opinion, the Council are requested to take into account:
- a) The specific characteristics of the particular development.
 - b) The specific characteristics of development of the types concerned.
 - c) The environmental features likely to be affected by the development.

3 Location of the Site & Proposed Development

- 3.1 The proposed development concerns the Mamhilad Strategic Action Area that is allocated in the recently adopted Torfaen Local Development Plan under Policy SAA4. This policy allocates the site for the construction of approximately 1,700 dwellings (690 dwellings to be delivered during the Plan Period), employment uses, re-use of the Grade II* Listed Building, neighbourhood centre, primary school, open space and recreation facilities as part of a mixed use scheme to create a sustainable urban village within a landscaped setting.
- 3.2 The proposals for the site include the following principal components:
- Approximately 33 hectares of residential development providing a mix of densities and dwellings;
 - Re-use of the Mamhilad Park buildings and the Parke-Davis buildings for employment;
 - Conversion and re-use of appropriate parts of the Nylon Spinners building for a range of uses that could potentially include residential, hotel and local services;
 - A neighbourhood centre including shopping and community facilities;
 - A primary school;
 - A public transport corridor through the site;

- Strategic landscaping including the protection and enhancement of existing woodlands and green infrastructure at the site;
- Recreational open space and sports pitches; and
- Strategic access points at the northern and southern ends of the site.

4 Consultations

4.1 Consultations have been carried out with the following bodies, prior to forming this opinion:

- The Authority's Highways, Ecologist, Rights of Way Officer, Conservation Officer & Environmental Health team
- Canal & Rivers Trust
- Glamorgan Gwent Archaeological Trust
- Welsh Water
- Welsh Government, Roads & Projects Division
- Cadw
- Monmouthshire County Council
- Brecon Beacons National Park
- Pontypool Community Council
- National Resources Wales

4.2 The following key issues have been identified;

- Transportation & Access
- Landscape & Visual
- Archaeology & Heritage
- Ecology & Nature Conservation
- Ground Conditions
- Hydrology, Water Quality, Flood Risk & Drainage
- Air Quality
- Noise & Vibration
- Socio Economics
- Waste Management
- Cumulative and off-site effects

5. Assessment and Conclusion

5.1 The scheme proposes a mixed use development which includes employment, residential and retail uses on an area of predominantly previously developed land. Regard has been given to the nature and scale of the proposed development, impact upon the listed building within the site and those close to the site, its proximity to the adjacent canal and Brecon Beacons National Park and proposed links into the existing road network. The information contained within the applicant's ES Scoping Report and responses of the consultees is also considered. On this basis the Environmental Statement should deal with the issues that are included in Appendix 1 of this report.

6. **Recommendation**

6.1 Given the setting, scale of development and comments of the consultees on this scoping request, it is recommended that the Environmental Statement deals with the issues which are included in Appendix 1 attached to this report.

Report Author: Rebecca McAndrew, Principal Planner (East) – Development Control

Approved by:  Date: 
Team Leader, Development Control

APPENDIX 1

The Environmental Statement (ES) should be prepared in accordance with Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and the document entitled Mamilhad Urban Village Scoping Opinion, received 10 March 2014, prepared by RPS. The ES should also take into account the issues raised during the consultation process, as set out below:

1. A non-technical summary of the information provided under paragraphs 1-6 of this Part.
2. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Arising from Consultation

1. Transportation & Access

A Transportation Impact Assessment, which includes a Transport Implementation Plan and a Travel Plan, should be provided. The TA should set out the comprehensive development of the whole strategic Action Area. It should include a phasing plan and also consider trigger points for local and strategic improvements.

The following is recommended to be considered within the Transportation Impact Assessment;

- all modes of transport, including the cycle and pedestrian movements to and from the site,
- the impact upon the surrounding trunk road junctions, including the A472 through Little Mill and Usk, and
- the suitability of the canal tow path to cope with additional use, not just from this development but also from the Sebastopol development, should be

considered. Any improvement deemed necessary, both to the towpath itself, bridges or links to it should be included in the application.

The ES should consider the impact upon public rights of way. For example, it appears that a Public Footpath no.56 (421/8) would be diverted. Also it should be noted that cyclists are not permitted on registered public footpaths. Therefore, where proposed cycle routes would cross onto public footpaths these should be upgraded to allow for dual use (which would require the permission of the landowner and the Highway Authority). The future maintenance of these facilities would also need to be considered.

2. Landscape & Visual

The 'Landscape & Visual Assessment, 1st Baseline information' document should be reviewed and updated in order to reflect new methodologies, plans and studies and to include the whole of the proposed site area. This should include a description of all existing landscape interests using CCW's LANDMAP methodology. The document should also consider the impact of development within the adjacent areas of open countryside.

The landscape assessment should consider the third edition of **Guidelines for Landscape and Visual Impact Assessment (GLVIA3)** which was published and came into force on 17 April 2013. The LI's Technical Committee has produced the following guidance on the transition from the second to the third edition:

GLVIA3 replaces the second edition GLVIA2. In general terms the approach and methodologies in the new edition are the same. The main difference is that GLVIA3 places greater emphasis on professional judgement and less emphasis on a formulaic approach. Members have asked for clarification on the status of projects developed under GLVIA2, but reviewed or implemented after publication of the third edition.

An assessment started using GLVIA2 should be completed using that edition. However, if in the view of the professional a comparison should be undertaken with GLVIA3, **and subsequently if necessary a re-assessment undertaken according to GLVIA3**, then this should be discussed and agreed with the client in the first instance. Obviously, assessments started after the publication of GLVIA3 should use it, rather than GLVIA2.

The ES should consider the impact upon the Brecon Beacons National Park and should be based upon the current policy framework:

- The BBNPA Local Development Plan (adopted December 2013) and the
- The National Park Management Plan (2010)
- Character Supplementary Planning Guidance Draft September 2012

In relation to the latter document, although the SPG is in draft, the detail held within the document is relevant to understanding the landscape context of the proposal and its impact on the natural beauty of the National Park. Accordingly the Draft LC SPG defines the land immediately to the West of the development site as the 'The Blorenge Summit and Slopes Landscape Character Area'. This landscape area is described thus

'The slopes of this LCA have an exceptionally timeless and peaceful quality and a sense of being rarely visited. Scattered farms are linked by deep lanes lined with exposed tree roots and flower-rich banks, whilst the Blorenge moorland ridge provides a contrasting backdrop and sense of orientation. From the ridge there are panoramic views. The landscape has a rich industrial history (particularly apparent at the popular recreation site of Goytre Canal Wharf) and lies partially within the Blaenavon Industrial Landscape World Heritage Site' (p.113 draft SPG)

The proposal has the potential to significantly impact on the special qualities of the National Park as experienced within the landscape in this LCA. It is vital that the future LVA takes into consideration the impact on this landscape area, and mitigate for any negative impact that may occur. The draft SPG lists the landscape character attributes and their sensitivity to change. It is recommended that this form the starting point for any assessment and mitigation plan. We also request that appropriate viewpoints are considered for both in and out of this LCA and their impact on the Special Qualities of the National Park.

The ES should consider the potential impact upon the Monmouthshire & Brecon Canal. It is recommended consideration be given to British Waterways Policy Advice Note: Inland Waterways (<http://www.tcpa.org.uk/data/files/InlandWaterways.pdf>). In particular, appendix 2 includes a development management check list.

3. Archaeology & Cultural Heritage

The archaeological desk-based assessment, undertaken in 2006 by GGAT Projects and the Architectural and Social Review should be used to inform the ES chapter but requires updating. The archaeological assessment should include the whole of the proposed site area. It should also consider the impact of development upon archaeological and heritage assets within the adjacent areas, such as the Monmouth and Brecon Canal, listed buildings to the south and the Brecon Beacons National Park (for example, The Folly which sits within the grounds of Pontypool Park, a Grade II* Registered Park & Garden). The archaeological assessment should also reflect the most current policy framework.

4. Ecology & Nature Conservation

The ES should consider impacts on both species and habitats, particularly the woodlands, hedges and aquatic habitats, both within the application site and in surrounding areas.

The ES should include the impacts upon Priority habitat and species ie in accordance with Section 42 of the NERC Act and the Biodiversity Action Plan priorities. Appropriate weighting should be given to such receptors.

Local Impacts will include:

- Habitat loss (including foraging loss as well as loss of breeding/roosting sites)
- Fragmentation/loss of ecological connectivity
- Disturbance (noise/light/vibration)
- Pollution (air/water)

The Extended Phase 1 Habitat Survey and report should be updated. This should include a fresh data search with SEWBRc and least a walk over survey to determine any changes in habitat and other protected species etc. since the last survey. It should identify valuable habitat pockets. Subject to the recommendations of the updated report, and in discussion with the Authority's Ecologist, it is likely a number of other species specific surveys will be required. These may include the following elements:

European Protected Species – otters, bats, dormouse etc.

White Clawed Crayfish

Badgers

Reptiles

Section 42 Species/Habitats,

Breeding birds

Any unavoidable impacts on ecological receptors will require a suitable package of mitigation.

NRW notes that, although no statutory sites would be directly affected by the proposed development, the application site is situated on the course of the Berthin Brook which as a tributary to the River Usk SAC is a potential direct impact pathway to the SAC. Features of the SAC that are mobile species, such as otters and fish species, will utilise the Berthin Brook and will require consideration. The particular concerns of NRW are listed below:

- Site drainage and release of any existing land contamination/pollutants (including increased sediment loading) causing pollution of the River Usk.
- Site drainage causing water quality impacts of the River Usk during operation of the development.
- Disturbance to fish and otter features arising from construction activities.
- Impacts on water resources (source and quantity).

The ES should include a Habitat Regulations Assessment (HRA) to consider the likely significant impacts of the proposal upon the River Usk (Lower Usk) SSSI and River Usk SAC and include detailed information of the measures that will be put in place to prevent adverse impacts to the site.

The ES should also consider the many opportunities for biodiversity enhancement and delivery of ecosystem services associated with the development. The developer may wish to consider the following opportunities:

- Maintaining and improving east/west connectivity from the Berthin Brook to the Monmouthshire & Brecon Canal
- Educational opportunities associated with retained habitats
- Multifunctional green spaces for recreation and biodiversity

It should be noted that there are dormouse records within the BBNP to the west of the site. Also, the current Habitat Survey incorrectly refers to the Wye Valley and Forest of Dean Bat Sites SAC rather than the Usk Bat Sites SAC in section 3.1.3.

5. Ground Conditions

The historical use of the site indicates that there is potential for contamination and so a suitable and sufficient assessment of the risks associated with receptor exposure

to contaminated land must be carried out. This should include surveys for the presence of landfill gas from historic landfill sites.

The requirements of PPW and Guiding Principles for Land Contamination should be followed. All investigation work should comply with the latest guidance which includes;

- BS 10175:2011
- Welsh Government Document WG 15450, Contaminated Land Welsh Statutory Guidance.
- Welsh Local Government Association Document, Requirements for the Chemical Testing of Imported Materials for Various End Uses.

The investigation should include:

An appropriate Desk-Study of the site to include a conceptual model and a preliminary risk assessment, and the results of that study to be submitted to and approved in writing by the Local Planning Authority.

If potential contamination is identified, then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011 containing the results of any intrusive investigation.

A Remediation Strategy, including Method statement and full Risk Assessment.

6. Hydrology, Water Quality, Flood Risk & Drainage

The following information should be included within the ES:

Public sewerage and water supplies should be considered.

Any local potable water abstraction points should be investigated and mitigation measures proposed.

Details of pollution prevention and drainage measures on the site during the phase of the development. For example, detail on the control of construction run-off to prevent any heavy sediment loads reaching the river and causing pollution.

A flood consequence assessment (FCA) which includes consideration of Surface Water Management should be produced.

The ES should include a flood consequence assessment (FCA). This should consider surface water management. Post-development there should be no increase to the surface water run off rate. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The applicant should consult the Authority's Drainage Engineer to establish that, should any surface water drainage from this site be proposed to discharge to a watercourse, that such discharge will not cause or exacerbate any flooding within this area of catchment.

The FCA should also consider potential impact upon the Monmouthshire & Brecon Canal and the potential impact the canal may have on the site as the Canal & River Trust (C& RT) has concerns regarding the section of embankment adjacent to the proposed development. They state that this could pose a flood risk and therefore consideration should be given to the potential implications of development on the integrity of the canal as well as the implications for a development of the canal itself which would be created by a flood event. This assessment should be undertaken in accordance with the guidance within TAN15: Development and Flood Risk. The assessment should as minimum consider:

- The likely mechanisms of flooding
- The likely sources of flooding
- The depths of flooding throughout the site
- The speed of inundation of the site
- The rate of rise of floodwaters throughout the site.
- Velocities of floodwaters across the site
- Overland flood routes
- The impact of the development in terms of flood risk on neighbouring properties
- Mitigation and minimisation of the flood risk.

The development should meet the criteria of the Water Framework Directive in that the proposal will, at worst maintain the local water quality and preferably improve it.

7. Air Quality

An update to the previous air quality assessment dated September 2006 will be required. Baseline conditions can be updated from currently available information. Please note: Whilst it is common to use estimated background concentrations of NO_x/NO₂ as provided by The National Environment and Technology Centre (NETCEN) for the road traffic component of the assessment, these predicted reductions in future estimates have not been realised by actual monitoring data. These weaknesses in the data predictions should be considered and acknowledged by the assessment.

Any assessment must be undertaken within the framework of the latest guidance on the assessment of air quality and its dispersal and should include an assessment of air quality impacts during the demolition and construction phases of the development. The following standards and criteria should be used and referenced.

- 1 The Design Manual for Roads and Bridges (AQ screening assessment)
- 2 Air quality standards regulations
- 3 Local Development Plan

8. Noise & Vibration

An update to the previous noise/vibration assessment dated September 2006 will be required. This will require updated baseline noise surveys at the nearest sensitive receptors. Any assessment must be undertaken within the framework of the latest guidance on the assessment of noise and its propagation and should include an assessment of air quality impacts during the demolition and construction phases of the development. The following standards and criteria should be used and referenced:

- 1 Technical Advice Note 11 (TAN 11)
- 2 The World Health Organisation Guidelines for community noise
- 3 BS4142
- 4 BS5228
- 5 BS8233
- 6 The Design Manual for Roads and Bridges (Noise screening assessment)

9. Waste Management

The ES should include details of any waste arising from the proposed development and the use of waste on site (if any).