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Head of Environment and Planning
Wrexham County Borough Council
Lambpit Street
Wrexham
LL11 1AR

Ein Cyf/Our ref: qA1284075
Eich Cyf/Your ref: P/2016/0505
Dyddiad/Date: 17 January 2017

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND AND WALES) REGULATIONS 1999 (AS AMENDED)

APPEAL BY: PROSPECT ESTATES LTD
SITE ADDRESS: FORMER AIR PRODUCTS SITE, LLANGOLLEN ROAD, ACREFAIR, WREXHAM
PROPOSED DEVELOPMENT: RESIDENTIAL DEVELOPMENT AND NEW ACCESS
APPLICATION NO: P/2016/0505 – APPEAL REF: APP/H6955/A/16/3158403

1. I refer the above appeal which was recovered for decision by the Welsh Ministers by a direction made under section 79 and paragraph 3(1) of Schedule 6 of the Town and Country Planning Act 1990, on 14 December 2016. Under the provisions of the Government of Wales Act 2006 the power to determine appeals made under section 78 of the 1990 Act has been transferred to the Welsh Ministers. The reason for the direction is the proposal comprises residential development for more than 150 houses and on more than 6 hectares of land.
2. The project was the subject of a screening opinion when it was before your Council. The screening opinion concluded Environmental Impact Assessment (EIA) was not required. As part of the appeal process the Welsh Ministers consider it appropriate for them to come to their own conclusion as to whether the project is EIA development within the meaning of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) ("the 1999 Regulations"), and provide a screening direction in that respect.



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

3. I am authorised by the Cabinet Secretary for Environment and Rural Affairs to provide that screening direction.
4. The project, named above, falls within the description at paragraph 10(b) in column 1 of the table in Schedule 2 to the 1999 Regulations and exceeds the applicable threshold in column 2 of that table.
5. The EIA checklist (attached) provides detail on the key areas considered by the Welsh Ministers in reaching their conclusion. The main conclusions of the screening checklist are set out below.
6. The proposal involves the redevelopment of a brownfield site adjoining Acrefair for residential use. Whilst there are challenges involved in redeveloping a site with a history that includes former mineworkings, an ironworks and a chemical factory, the information provided does not indicate any of these to be beyond the complexity associated with such redevelopments, for which there are established best practice/ regulatory safeguards. On the basis of the supporting information, consultation responses for this screening and representations submitted to the Local Planning Authority at application stage, the screening checklist concludes there are no likely significant environmental effects in terms of the 1999 Regulations.
7. I note the Health and Safety Executive (HSE) have advised there are sufficient reasons on safety grounds against the grant of planning permission as the appeal site is located within the consultation distance of a Major Hazard Site, chemical works at Cefn Mawr. However, HSE state, "...the likelihood of a major accident occurring is small". Therefore, for the purposes of this EIA screening, I am content the risk to human health is unlikely to be significant.
8. Having regard to the screening checklist, the responses from consultees, and taking into account the criteria in Schedule 3 to the 1999 Regulations and guidance in Circular 11/99 "Environmental Impact Assessment", I am satisfied the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
9. Accordingly, in exercise of the powers conferred on the Welsh Ministers by regulation 4(7) of the 1999 Regulations and the authority referred to in paragraph 3 above, I hereby direct the development subject of this appeal **is not EIA development** within the meaning of the 1999 Regulations.
10. You will bear in mind that my opinion on the likelihood of this development having significant effects is reached only for the purposes of this direction.
11. Under regulation 20(1) of the 1999 Regulations, you should take steps to place a copy of this screening direction on the Planning Register.

12. This decision takes account of the duty placed on the Welsh Ministers, as a public body, by the Well-being of Future Generations Act 2015 (“the WFG Act”) to carry out sustainable development. In order to act in accordance with the sustainable development principle, the Welsh Ministers have taken into account the ways of working set out in section 4 of ‘SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the Future Generations Act 2015’ by following the EIA process, which aims to prevent, reduce or offset any significant adverse environmental effects, including long-term effects, of development proposals and enhance positive ones. The process is integrated with the planning system to ensure planning decisions consider the environmental effects of development, with engagement from statutory bodies, local and national groups and the public.
13. In reaching this decision I note the well-being duty in section 3 of the WFG Act, which requires the Welsh Ministers, as a public body, in carrying out sustainable development, to take all reasonable steps to meet the Welsh Government’s well-being objectives. In accordance with section 3(2) of the WFG Act and the well-being objectives of the Welsh Ministers, I consider the EIA process followed will help “manage, use and enhance Wales’ natural resources to support long-term wellbeing” by informing the decision making process on whether the proposed development project is likely to have a significant environmental effect.
14. I am copying this letter to the applicant’s agent, Cadw and Natural Resources Wales.

Yours faithfully,



Alan Groves
Senior Planning Manager
Decisions Branch
Planning Directorate

Signed under the authority of the Cabinet Secretary for Environment and Rural Affairs, one of the Welsh Ministers.

STAGE 1 – INITIAL EIA SCREENING ASSESSMENT

1		Case Details	
A	Appeal case reference APP/H6955/A/16/3158403		
B	Brief description of development Outline application for residential development (232 dwellings) and new access		
C	Date of application 04/02/2016		
2	If appeal is in relation to an application lodged or received before March 1 st 2016, then 1999 EIA Regulations apply		
2A	Schedule 1 Is the project Schedule 1 development as described in Schedule 1 of the EIA Regulations? If Yes, under which description of development? If No, consider whether project is 'Schedule 2' development below in part 2(B).		
2B	Schedule 2 Is the project listed as a description of development under Column 1 of Schedule 2 of the EIA Regulations? If Yes, under which description of development? If No, EIA is not required.		
(i)	10 (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas		Yes
(ii)	Does the project change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2, where the change or extension may have significant adverse effects on the environment? If Yes, provide reasons for your answer below. Proceed to point (iii). Choose an item.		N/A
(iii)	Is the project located wholly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Regulations? If Yes, state which area. If No, proceed to point (iv) below.		No
(iv)	Are the applicable thresholds/criteria in Column 2 exceeded / met? If Yes, note which applicable threshold/criteria. If No, EIA is not required. The area of the development exceeds 0.5 hectare		Yes

LPA / Welsh Ministers' Screening			
3			
(i)	Has the LPA issued a Screening Opinion (SO)?		Yes
(ii)	Have the Welsh Ministers issued a Screening Direction (SD)?		No
4	Environmental Statement (ES)		
	Has the applicant/appellant supplied an ES for the current or previous (if reserved matters or conditions) application?		No

Is a detailed screening assessment (Section 5) required?

If Yes has been answered in response to either 2B(iii) or 2B(iv), send to relevant team to undertake detailed screening assessment.
If No has been answered for both questions, or the questions are not applicable, start appeal.

Sign-off	
Signature	<i>Rhys Rigby</i>
Date	14/12/16

STAGE 2 – DETAILED EIA SCREENING ASSESSMENT

6		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
CRITERION 1. CHARACTERISTICS OF DEVELOPMENT			
Question 1(a) Size of the Development			
Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?		Yes – the development involves the change of use of Brownfield industrial land for residential development. The work will involve cut and fill measures to level the site.	Effects are unlikely to be significant in terms of the EIA Regs.
Question 1(b) Cumulation with Other Development			
Are there any other factors which should be considered such as:		The site is located near to existing residential	The cumulative impacts are not likely to be significant in terms of

6		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
- consequential development which could lead to environmental effects? - the potential for cumulative impacts with other existing or planned activities in the locality? - any plans for future land uses on or around the location which could be affected by the project? - transfrontier impacts?		development.	the EIA Regs.
Question 1(c) Use of Natural Resources			
Will construction or operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?		Natural resources will be consumed during construction, occupation and any eventual decommissioning. During all stages relevant legislation and best practice will help to limit consumption. Consumption is not expected to be beyond the normal level for residential development on a brownfield site such as this.	Unlikely significant effect.
Question 1(d) Production of Waste			
Will the Project produce solid wastes during construction or operation or decommissioning?		Yes, waste will be produced at all stages. During all stages relevant legislation and best practice will help to limit production. Production is not expected to be beyond the normal level for residential development on a brownfield site such as this.	Unlikely significant effect.
Question 1(e) Pollution and Nuisances			
Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about		NRW (letter to Wrexham CBC of 27 June 2016, available on LPA's website) has raised	Unlikely significant effect.

6		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
actual or perceived risks to human health?		concerns over the presence on site of elevated concentrations of hydrocarbons. However, they confirm in their Screening consultation response (19 December 2016) that they do not consider there is likely to be any significant effect in terms of the EIA Regs. I have no information before me to contradict that conclusion.	
Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?		Yes. Some during construction, occupation and decommissioning.	Unlikely significant effect.
Will the Project release pollutants or any hazardous, toxic or noxious substances to air , or lead to risks of contamination of land or water (including surface waters, groundwater, coastal waters or the sea)?		As referred to above, NRW's comments indicate that should the eventual decision maker be minded to grant planning permission, an appropriate condition would be required to ensure no contamination of controlled waters from surface water run off on site. However, they confirm that they do not consider there is likely to be any significant effect in terms of the EIA Regs.	Unlikely significant effect.
Question 1(f) Risk of accidents, having regard in particular to substances or technologies used			
Will there be any risk of accidents during construction or operation of the Project which could affect human health or the environment?		The Health & Safety Executive (rep available from LPA website, enquiry completed on 31 May 2016) advise that there are sufficient grounds to refuse	Unlikely significant effect.

6		Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?	
	planning permission. However, the LPA's possible reasons for refusal do not make reference to this. The LPA's Screening opinion was prepared after submission of the appeal, and therefore after the HSE's representation, and does not raise this as a matter of potentially significant effects in terms of EIA. The risk assessment in the Phase 2 Geotechnical and Geo-Environmental Site Investigation (Eastwood & Partners, July 2015) indicate sthere is no significant risk to future residents or construction workers, as long as standard protocols are implemented.		
CRITERION 2. LOCATION OF DEVELOPMENT			
Question 2(a) Existing Land Use			
Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?	No, the proposal represents an extension to existing settlement.		
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 by the project?	No		
Are there any transport routes which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The Transport Assessment (DTPC, Aug 2011) which accompanies the appeal shows that the network had spare capacity, and also projected	On balance, from the information before me, whilst this is something for the decision maker to consider, I do not consider it is likely to have a significant effect	

6	Detailed Screening Questions		
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?	
	spare capacity in 2016. However, as this has not been updated to take account of development granted permission since 2011 (as confirmed in the LPA's possible reasons for refusal, October 2016) this conclusion may no longer be valid.	in terms of the EIA Regs.	
Is the project located in a previously undeveloped area where there will be loss of greenfield land?	No		
Are there any areas on or around the location occupied by land uses which could be affected by the project, particularly sensitive land uses e.g. hospitals, schools, places of worship, community facilities?	The community facilities in Acrefair and Cefn Mawr may be impacted by new residents, however this was considered when the previous scheme was approved.	Unlikely significant effect.	
Question 2(b) Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area			
Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	As mentioned above, NRW raise the issue of potential contamination of groundwater if appropriate measures are not implemented. However, these matters are not unusually complex in terms of redevelopment of sites like this.	Unlikely significant effect.	
Question 2(c) Absorption Capacity of the Natural Environment			
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology, or are used by protected, important or sensitive species of fauna or flora, which could be affected by the project?	NRW confirm the presence of Great Crested Newts in locations near the site, however they confirm that even if there is an impact on these newts	On balance, I am satisfied that any ecological impacts are unlikely to be significant in terms of the EIA Regs.	

6		Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?	
	from the development it should not adversely affect the favourable conservation status of the species in this locality. The LPA include the lack of detailed ecology information among their 'possible reasons for refusal', and it is true that on the basis of the information available to me it is impossible to determine the exact extent of any ecological impact. However, the advice from NRW clearly indicates the proposal is unlikely to adversely affect local populations of British protected species.		
Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	NRW and the LPA are satisfied that appropriate conditions which are standard to this type of scheme would avoid any such impacts. I have no information before me to indicate this is not the case.	Unlikely significant effect.	
Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	No		
Is the project in a location where it is likely to be highly visible to many people?	No		
Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	The existing settlements may be impacted by the addition of 232 units in this location. However, none of the effects	Unlikely significant effect.	

6		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
		are likely to be of more than local importance.	
Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	There are a number of historic assets within the vicinity of the proposal, including the Pontcysyllte Aqueduct & Canal World heritage Site, but Cadw's consultation response clearly advises none of these assets would be affected to the point where EIA would be required. The Clwyd Powys Archaeological Trust also advises (rep from LPA website, 6 June 2016) that due to the high archaeological sensitivity of the site itself any consent should include a pre-commencement condition for appropriate archaeological investigations.	Unlikely significant effect.	
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 by the project?	See previous comments RE potential contamination on site. In considering these issues, I have also relied on the Phase 2 Geotechnical and Geo-Environmental Site Investigation (Eastwood & Partners, July 2015).	Unlikely significant effect.	
Is the project location susceptible to subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions, which could cause the project to present environmental problems?	I note that Dwr Cymru (letter from LPA website, 15 June 2016) are not satisfied with the appellant's indicated connection of surface water into a	I am satisfied on balance that none of the issue around surface water or subsistence etc. are likely to give rise to significant effects in terms of the EIA Regs.	

6		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
		watercourse as well as the public sewer. NRW also raise the issue of implementing discharge to the specified brook, given the interconnecting third party land. The information in the Mining investigation report (NKC Geotech Ltd., March 2015) and the Phase 2 Geotechnical and Geo-Environmental Site Investigation (Eastwood & Partners, July 2015) indicates that whilst the presence of former mineworks on site presents the need for certain precautions, there is nothing more complex than may usually be expected in the development of such a site.	

Statement of reasons – insert into Screening Direction

The proposal involves the redevelopment of a brownfield site adjoining Acrefair for residential use. Whilst there are challenges involved in redeveloping a site with a history that includes former mineworkings, an ironworks and a chemical factory, the information provided does not indicate any of these to be beyond the complexity associated with such redevelopments, for which there are established best practice / regulatory safeguards. There are a number of unresolved issues associated with the proposal, but on the basis of the supporting information, consultation responses for this Screening, and representations submitted to the LPA at applications stage (which will be submitted to the appeal as part of the LPA Questionnaire at the appropriate stage), I am satisfied that there are no likely significant environmental effects in terms of the 1999 Regulations.

(ii)	If a SO/SD has been provided do you agree with it?	Yes	
(iii)	Is EIA required?	No	
Outcome		Action	
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area but not likely to have significant effects on the environment		Issue direction stating EIA Not Required (Letter 1)	
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area and likely to have significant effects		Issue direction stating EIA Required (Letter 2)	
Project does not fall within the EIA Regulations as either: (a) it is listed within the descriptions of development Column 1 of Schedule 2 of the EIA Regulations but does not meet relevant threshold/criterion; or (b) it does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regulations.		EIA Not Required - Issue direction stating either: (A) project listed within descriptions of development in Column 1 of Schedule 2 of the EIA Regs but does not meet relevant threshold/criterion; or (B) project does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regs (Letter 3)	
Schedule 2 development but effects not clear at this stage – file to be reviewed at a later stage		No action – review when appropriate i.e. on receipt of new information/case progress	
Schedule 2 development – appeal is at an advanced stage – referred for Direction; likely to have significant effects		Issue direction stating EIA Required (Letter 4)	
Development relates to a called in application.		Regardless of conclusions reached, forward completed screening checklist with recommended action identified above to the Welsh Government for consideration	✓
Name and Job Title of Assessor		Robert Sparey: Planning & Environment Manager	
Date of Assessment		10 January 2017	