

Gofynner am / Please ask for: Ceri Davies
Llinell Uniongyrchol / DirectLine: 01558 825318
E-bost Uniongyrchol / DirectEmail: hcdavies@carmarthenshire.gov.uk
Dyddiad / Date: 24th Nov 2017

Eich cyf / Your ref:
Fy nghyf / My ref: SC/15597/HCD
Ffacs / Fax:
DX:

Stephen G Pilliner
Head of Transport & Highways
Dept of Environment
Parc Myrddin
Carmarthen

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

REQUEST FOR SCREENING OPINION FOR PROPOSED PEDESTRIAN/CYCLE PATH BETWEEN NANTGAREDIG AND FFAIRFACH, LLANDEILO

I refer to your written request for a screening opinion regarding the above development that was received by the Authority on 27 January 2017 with additional information received on 31 January 2017. I apologise for the delay in providing a response. The request has been considered against the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2016 that came into force on 1 March 2016.

In summary, this Screening Opinion confirms that based upon the limited information provided to support your screening request, the proposed development is **EIA development**. The LPA considers the precautionary approach should be adopted in this instance and an EIA should be requested on ecological grounds; this conclusion is based upon the following assessment.

Site Location

The proposed path primarily follows the route of the former Carmarthen-Llandeilo railway line; the railway line follows the flat flood plain of the River Towy; generally the route lies on low embankment, but at a few locations it also passes at grade and within cutting where mounds of superficial soils protrude through the alluvium of the flood plain. The former railway between Carmarthen and Ffairfach was closed by British Railway in 1963. In addition to the former rail corridor, the path will also utilise substantial lengths of existing public rights of way and an embankment constructed for a former railway. This is the second section of the Towy Valley Path, known as the eastern phase and is essentially the length of path between Nantgaredig and Llandeilo. In its entirety, when all the phases of the Cycleway have been completed the Towy Valley Cycleway will total 19.5km in length. The proposal subject of this proposal planning application, is for a route of approximately 14.9km.

The eastern phase of the proposed cycleway is located in the lower Towy Valley; the site comprises primarily of a rural river valley landscape, the land being predominantly pasture land on the flood plains of the river Towy. The Towy valley is wide with the river flowing in an east to west direction. The main land uses are comprised of agricultural pastureland, watercourses, small residential settlements, woodland, along with various roads and tracks. The land supports several farm holdings which are mainly dairy cattle, beef cattle and sheep; there are also a small number of equine units. Sections of the proposed cycle path are in close proximity to the River Towy and cross over smaller watercourses; the topography of the region is a wide and flat river valley bottom.

Proposed Development

The proposal is for a shared use pedestrian/cycle facility along a defined route between Carmarthen and Ffairfach, along the Towy Valley. The proposed path will be an unsegregated, shared use for pedestrians and cyclists; the path will comprise predominantly of a 3 metre wide, tarmac path with a 1m verge each side; this will be adapted locally, when required, to suit the issues / constraints identified on site. Boundary treatments will be according to accommodation works agreed with the adjacent landowners. It is intended to use fences of stranded wire on wooden posts for most locations. Barriers and gates will be incorporated at key locations to manage access and ensure the site is used by cyclists and walkers. Cattle grids will be incorporated at some locations to assist containment of livestock. The gradients of the proposed path will be gentle and generally will not exceed 5%. Two new river crossings will be required over the river Towy as part of the Eastern Section proposal.

EIA development

A development is classed as EIA development if it falls to be considered as:

- 1 Schedule 1 development or:
- 2 Schedule 2 development that is likely to have significant effects on the environment by virtue of factors such as its nature, size or location and where;
 - a) any part of that development is to be carried out in a sensitive area; or
 - b) any applicable threshold or criterion set out in the table at Schedule 2 is respectfully exceeded or met.

Regulations 2(1) of the EIA Regulations defines 'sensitive areas' as including:

- Sites of Special Scientific Interest;
- Land subject to Nature Conservation Sites;
- International Conservation Sites
- National Scenic Areas;
- World Heritage Sites;
- Scheduled Monuments; and
- National Parks

1. Does the development fall within Schedule 1?

The EIA Regulations state that all types of development within Schedule 1 require EIA. The proposed cycle/pedestrian path does not fall within Schedule 1 of the Regulations.

2. Does the development fall within Schedule 2 and if it does, does the development meet the relevant criteria in column 2 of Schedule 2?

The relevant extract from the table in Schedule 2 is set out below and highlights the thresholds and criteria for 'infrastructure projects' such as the Towy Valley Path proposal. The proposal comes under "Construction of roads" as defined in Column 1 as it is deemed a permanent access track/road which will be built predominantly on a former railway line/corridor and agricultural improved grassland. It would appear that the proposed development falls within Schedule 2 of the 1999 Regulations (part 1A) and as such only requires an EIA 'IF THE AREA OF WORKS EXCEEDS 1 HECTARE'. The area of development clearly exceeds the 1 hectare threshold in this instance as such, an assessment needs to be undertaken as to the likely significant environmental effects. Column 3 sets out the indicative thresholds and criteria for EIA requirements and paragraph 10(d) states that EIA is more likely to be required for new development over 2 kilometres in length.

3. Does the development fall within a sensitive area?

As the development falls within a category listed in Schedule 2 of the regulations, it must be screened for the need for an EIA if it falls within a sensitive area.

Is the development likely to have significant effects on the environment?

Whilst it has been determined that the proposal would be classed as Schedule 2 development, such development would only be classed as EIA development if it is likely to have significant environmental effects by reason of its nature, size and location having regard to the selection criteria set out in Schedule 3 of the Regulations as relevant to the development. Schedule 3 specifies that the following criteria must be considered:

- Characteristics of development – size, cumulative effects, use of natural resources, waste production, pollution and nuisances and accident risk;
- Location of development – environmental sensitivity of geographical areas to be affected especially having regard to existing land use, absorption capacity of the natural environment and capacity of natural resources in the area;
- Characteristics of the potential impact – in terms of its extent, trans-frontier nature, magnitude and complexity, probability and duration, frequency and reversibility of the impact.

Welsh Office Circular, paragraph 33 states that in general EIA will be needed for Schedule 2 developments in three main types of cases:

- a. Major developments which are of more than local importance;
- b. Developments which are proposed for particularly environmentally sensitive or vulnerable locations
- c. Developments with unusually complex and potentially hazardous environmental effects.

Screening

The Authority's Planning Ecologist has advised that having carried out a screening exercise, considering the potential ecological impacts of the scheme, the nature, size and location of the proposal (under schedule II). On the basis of the information submitted from an ecological point of view, it is considered that the proposal does require an Environmental Impact Assessment (EIA). The proposal is considered to be in an environmentally sensitive area. The proposal is located adjacent to the Afon Tywi Special Area of Conservation (SAC) and SSSI and crosses the SAC in places.

On the basis that there are no mitigation details provided or details of the river crossings with the screening submission, the Local Planning Authority has to adopt a precautionary approach in assessing impacts. The habitat and species features of the site may potentially be affected by the proposal. The works will take place in close proximity/within the site this may potentially lead to the disturbance of SAC habitats and species.

In view of the aforementioned, the Authority's Planning Ecologist considers an EIA will be required to assess these potential impacts in detail, the site is also likely to contain European Protected Species, species protected under the Protection of Badgers Act and Wildlife and Countryside Act, Section 7 habitats and species as listed under the Environment Act 2016.

Records show that the proposed development does not lie within a registered historic landscape as contained in the Registers of Landscapes of Outstanding and Special Historic Interest in Wales [Cadw 1998 and 2001] and there are no recorded heritage assets within the area of development or immediate vicinity. However there are several heritage assets, designated and non-designated, within the wider landscape. These include two Iron Age enclosures (PRNs 4743 and 836) within a

2km radius to the north and northeast and the Dinefwr Park Roman Forts (Scheduled Ancient Monument CM367) approximately 2.6km to the southeast. AS such, Dyfed Archaeological Trust have advised that they do not consider that an EIA is required in this instance as they believe that historic environment interests can be protected by means of the provisions of the current Local Plan policies, the requirements of Welsh Office Circular 60/96 – Planning and the Historic Environment: Archaeology, and Planning Policy Wales, 7th Edition, Section 6.5. They do advise that any application should be accompanied by a Historic Landscape Assessment report; this report must consider the visual impact of the development on the setting of ancient monuments, whether scheduled or not.

Dyfed Archaeology have checked the details against the regional Historic Environment Record; the portion of these records relating to Carmarthenshire have been adopted by resolution of the Local Planning Authority for the purposes of the Town and Country Planning (General Permitted Development) Order 1995.

Records show that the scheme is located within a Registered Historic Landscape of Outstanding Historic Interest: Tywi Valley (HLW (D) 5), as defined by Cadw (1998). The path, as a major leisure development, could qualify it as requiring EIA. However, for the most part, this is not new development as it follows the line of the dismantled railway. Here, any groundworks will be into previously disturbed or made-up ground and the visual impact on the historic landscape will be no greater than what already exists. Therefore Dyfed Archaeology do not consider an EIA to be required on historic environment grounds in this instance; furthermore they consider that such interests can be protected by means of the provisions of the current Local Plan policies, the requirements of *Planning Policy Wales* (9th Edition, 2016, Chapter 6) and Technical Advice Note 24: The Historic Environment (2017). Dyfed Archaeology have recommended the attachment of an archaeological condition to any planning consent, if forthcoming.

However, Dyfed Archaeology have advised that should an EIA be undertaken there should, in their opinion, be a section devoted to assessing the historic environment. This report must consider the visual impact of the development on the setting of heritage assets, whether scheduled or not.

It is considered that the proposed scheme will potentially result in residual adverse impacts upon landscape character and visual amenity which may challenge, or be against the policies of the Carmarthenshire County Council LDP [December 2014]. These impacts will need to be addressed as part of the determination of any planning application submitted. It is recommended therefore that any planning application be accompanied by a Landscape and Visual Impact Assessment [LVIA].

In conclusion therefore, it is considered that due to the nature, scale and location of the proposal; the potential ecological impacts of the scheme owing to its proximity to the Afon Tywi Special Area of Conservation (SAC) and the SSSI, the development is likely to have a significant effect on the environment. It is therefore concluded that the proposal **is EIA development**. Any application for the development must therefore be accompanied by a full Environmental Impact Assessment, the scope of which can be determined through the formal Scoping Request process.

The above assessment is based upon comments received from key consultees, copies of which are available on the Authority's website.

Should you not agree with the above Screening Opinion, in accordance with Regulation 5(7) of the EIA regulations, you may request a Screening Direction from the Welsh Ministers.

Yours sincerely

Mr Ceri Davies
Development Management Officer
/ Swyddog Rheoli Datblygu

Mr Graham Noakes
Senior Development Management Officer
/ Uwch Swyddog Rheoli Datblygu