

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Request for a "Screening Opinion" in respect of the following development:

Proposed Development:

**Installation of a Wind Turbine
Abbey View Farm, Keelings Lane, Croxden**

Introduction:

The Council has been requested to adopt a screening opinion as to whether the above development is EIA development requiring the submission of an Environmental Statement.

Schedule 1:

No

Schedule 2:

Yes

The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However, the development falls within Schedule 2, Category 3 (i) as an installation for the harnessing of wind power for energy production. The proposal falls below the 2 or more wind turbine threshold, but exceeds the 15 metre turbine height threshold laid down by the above regulations beyond which an Environmental Statement may be required.

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.

1. Characteristics of the development – size of the development, cumulative effects with other development, use of natural resources, production of waste, pollution and nuisances, risk of accidents with regard to substances or technologies utilised.
2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular
 - the existing land use,
 - the relative abundance, quality and regenerative capacity of natural

resources,

- the absorption capacity of the natural environment, with particular emphasis to the following areas:
 - (i) wetlands
 - (ii) coastal zones
 - (iii) mountain and forest areas
 - (iv) nature reserves and parks
 - (v) areas designated by Member states
 - (vi) where environmental quality standards have been laid down in Community legislation and have been exceeded
 - (vii) densely populated areas
 - (viii) landscapes of historical, cultural or archaeological importance.
3. Characteristics of the potential impact, with regard to :
- The extent of the impact
 - Transfrontier nature of the impact
 - Magnitude and complexity of the impact
 - Probability of the impact
 - Duration, frequency and reversibility of the impact

Circular 2/99:

In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Paragraph 33 of Circular 02/99 indicates that the Secretary of State's view is that, in general, EIA will be needed for Schedule 2 developments in three main types of case:

- a. for major developments which are of more than local importance (e.g. wide ranging environmental effects);
- b. for developments which are proposed for particularly environmentally sensitive or vulnerable locations (paragraphs 36-40); and
- c. for developments with unusually complex and potentially hazardous environmental effects.

Circular 02/99 Annex A comments on indicative thresholds and criteria for identifying Schedule 2 development requiring an Environmental Statement:

Wind Farms

A14. The likelihood of significant effects will generally depend upon the scale of the development, and its visual impact, as well as potential noise impacts. EIA is more likely to be required for commercial developments of five or more turbines, or more than 5MW of new generating capacity.

Assessment:

The proposed turbine is medium scale, having a hub height of 32.5 metres and a tip height of 47 metres. The proposed turbine has a relatively small generating capacity and would not contribute significantly to the National Grid.

The site is set within undulating countryside. Although the landscape is of quality, the site is not set within a particularly sensitive area as identified in Schedule 3 of the Regulations. Whilst the site lies approximately 3km from the nearest SSSI, there is a Site of Biological Importance within approximately 70 metres. However, this is not a statutory designation and it is not considered that the impact of the proposal upon ecology would be sufficiently significant or complex to warrant an Environmental Statement. Any application would need to be accompanied by an ecological survey, however.

The site lies within approximately 1km of the Scheduled Ancient Monument at Croxden Abbey, and lies a similar distance from a Grade II Listed farmhouse at Pointhorne to the east. Whilst the proposed turbine is likely to affect the setting of these heritage assets, it is not considered that its effect is likely to

be of exceptional magnitude or be particularly complex. The turbine is a temporary structure and as such any affect would be reversible. It is not considered that the impact of the proposal upon heritage assets would be sufficiently significant or complex to warrant an Environmental Statement. It is considered that any application should be accompanied by an assessment prepared in accordance with English Heritage's guidance on the Setting of Heritage Assets.

The area immediately surrounding the site is relatively sparsely populated, and as such it is not considered that the proposal will result in significant noise impacts.

The proposed turbine lies within approximately 1.5 km of an existing turbine at Nothill. Whilst there are locations from which both turbines would be clearly visible, it is considered that the two structures are sufficiently distant for there to be no other material cumulative effects. It is not considered that the impact of the proposal upon landscape character would be sufficiently significant or complex to warrant an Environmental Statement.

Paragraph A14 of Circular 02/99 Annex A states that "EIA is more likely to be required for commercial developments of five or more turbines, or more than 5MW of new generating capacity". The proposal involves the installation of a single turbine. A turbine of the scale proposed would have an output significantly lower than 5MW (for example the REPower 5MW turbine has a rotor diameter of 126.5 metres – significantly larger than the turbine proposed in this instance) The proposal is therefore significantly below the threshold above which Circular 02/99 suggests an Environmental statement is more likely to be required.

In conclusion, it is considered that the impact of the proposal is limited in extent and readily reversible. The impact would be localised rather than transfrontier. It is not considered that the proposal would generate complex or unusually hazardous environmental effects. The Council is therefore of the view that a formal Environmental Statement will not be required in this instance.

Recommendation:

A formal screening opinion be adopted that Environmental Assessment will not be required

Team Leader comments:

The following decision is made by the undersigned in accordance with powers delegated to the undersigned under the provision of S101 of the Local Government Act 1972.

A formal Environmental Statement is not required in respect of the development as proposed.

TL Signature *f. Roebuck* Date *26th October 2012*

File Note

Several representations from local residents have been received, and additional concerns have been raised by telephone. Whilst the several of the issues raised are material considerations relevant to the determination of any subsequent planning application, it is not considered that any of the issues raised affect the Council's Screening Opinion.

There is no statutory requirement to notify local residents in screening a proposal.

ju 24/10/12

