

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Erection of 8 Class A1 retail units and 3 Class A3 units, associated works to car park, access and service yard including the demolition of existing units on Station Street

Introduction:

The Council has received the above planning application and is required 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 on the basis of interpreting the Regulations as having "wide scope and broad purpose", I recommend a precautionary approach of assuming the development falls within Schedule 2, Category 10 (b) as a Urban development project, with the area of development, 2.8 hectares, exceeding the 0.5 hectare threshold.

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 requires 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

In assessing whether an Environmental Assessment will be required, Annexe A to the regulation adds that in the case of urban development projects an EIA is more likely to be required if it would provide a total of more than 10,000 square metres of new commercial floorspace.

Assessment: 4816

In assessing the proposal in the context of the above, the Council's view is that it is a major development of local importance. The site area is 2.8 ha, set within an urban area, on previously developed land. The suggested level where an EIA may be required is 10,000 square metres. Given that the proposed new floor space is 4,816 square metres this proposal does not exceed this threshold and therefore it is considered that this in itself does not warrant an EIA.

The physical scale of such developments and the potential increase in traffic, emissions and noise are particular considerations. An EIA is unlikely to be required for the redevelopment of land unless the impacts are markedly different in nature or there is a high level of contamination. The Local Planning Authority considers that the visual impact of the proposal will be limited in its extent in that it is unlikely to be prominent from wider or distant vantage points. The site is not located in an environmentally sensitive location (in terms of the Regulations) nor is the development proposed complex or potentially hazardous. Any site contamination can be assessed through the application process. The site is within Flood Zone 3, but any flood related issues can be addressed as part of the application process, by the submission of a Flood Risk Assessment.

Given this it is considered that the environmental effects of the development will not add significantly to the current position. The Council is of the view that the development is not likely to have significant effects on the environment in this area, and therefore a formal Environmental Statement will not be required.

Recommendation:

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

Team Leader/Planning Manager comments:

f. hodnick 16th September 2014

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.



