

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Erection of up-to 130 dwellings, landscaping, bunding, open space and SUDS

Introduction:

The Council has received a request for a formal screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in respect of the above proposals.

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 an Urban development project, with the area of development, 13.2 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. The 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

In assessing whether an Environmental Assessment will be required, Annexe A to the Circular adds that in the case of urban development projects an EIA is more likely to be required if it would have significant urbanising effects (e.g. a new development over 1,000 dwellings or provide a total of more than 10,000 square metres of new commercial floorspace).

Assessment:

In assessing the proposal in the context of the above, the Council's view is that while the development is of a significant scale, it is a major development of local importance. The site area is 13.2ha, set on the outskirts of the urban area of Barton under Needwood, enclosed by the Trent and Mersey Canal and A38 to the south-east. The site has no previous planning history.

The physical scale of such developments and the potential increase in traffic, emissions and noise are particular considerations. In this instance the development proposes 130 dwellings, set on an area of 5.1ha, with the other 8.1ha being taken up with associated open space, landscaping and drainage. As the development is for up to 130 dwellings, significantly below the 1000 dwellings where an EIA is more likely to be required, and the site is not located in an environmentally sensitive location (in terms of the Regulations) and is not complex or potentially hazardous, it is not considered a formal EIA is necessary.

Part of the site is within Flood Zones 2 and 3, but any flood related issues will be assessed as part of the application process, and again it is considered that any adverse impacts to be mitigated will be localised in nature.

All other issues in relation to the proposal can be covered as part of the planning application submission, and does not require the completion of the formal Environmental Impact Assessment.

Recommendation:

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

Team Leader/Planning Manager 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.

Team Leader/Planning Manager

Signature: *A. Roebuck*

Date: *10th November 2011.*

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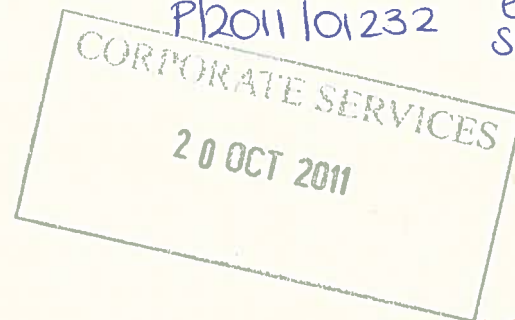
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Registered at the Westminster office

19 October 2011

Jim Malkin
East Staffordshire Borough Council
The Maltsters
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Burton upon Trent
DE14 1LS

Our Ref: TGH/D.6944



P/11/01232

Dear Mr Malkin

**Land of Efflinch Lane, Barton under Needwood
Request for Screening Opinion under Regulation 5 of the Town and Country
Planning (Environmental Impact Assessment) Regulations 2011
("The 2011 Regulations")**

We write on behalf of Barton Consortium Limited to request your Council's formal Screening Opinion under Regulation 5 of the Town and Country Planning (Environment Impact Assessment) Regulations 2011 in respect of draft proposals for Land off Efflinch Lane, Barton under Needwood.

The site comprises approximately 13.2 hectares of agricultural land located to the south east of the village of Barton under Needwood. The extent of the site is defined by the red line on the enclosed plan.

Barton under Needwood is a vibrant community with three schools, an extensive range of facilities and approximately 1,800 homes. The village is six miles from Burton on Trent, with an hourly bus service with a bus stop adjacent to the site. It is the joint highest scoring strategic village in the East Staffordshire settlement hierarchy. The site falls within a potential area for strategic growth set out within the Core Strategy options published in August 2011.

An outline planning application including access is being prepared for the comprehensive development of the site for up to 130 new dwellings, landscaping, earth mounding, open space and SUDs. The built development will be restricted to the field at the west of the site (approximately 5.1 hectares) and the remainder of the site will be enhanced for local parkland, amenity grassland, play space and allotments set within an accessible woodland and wetland habitat that contributes to the National Forest strategy.

The site is well contained. It is bounded to the north and west by houses, a junior school and a commercial marina buffered by an arable field. To the east is a strategic transport corridor containing the A38 trunk road, beyond which are highly visible employment buildings. There is a grazed field to the south west, beyond which is an

existing housing estate. Therefore, we do not believe that the proposed development will have 'significant urbanising effects'.

We have considered the site and its context, the nature and scale of the development proposed and the likely impact of the proposals. As a result, it is our view that the proposed development will not have significant effects upon the environment and is not 'EIA development' for the purposes of the 2011 Regulations. Having regards to the advice in Circular 02/99: Environmental Impact Assessment:

- (i) The proposal is not Schedule 1 development;
- (ii) The size of the site meets the threshold for Schedule 2 development but as it is not located in a sensitive area and there would not be a significant effect on the environment, the proposal is not Schedule 2 development.

The planning application will be supported by technical reports which will demonstrate that the development will not give rise to significant environmental effects by virtue of its size, nature or location. The application will show how the identified potential environmental impacts will be addressed and how the scheme will provide significant environmental enhancement. The following environmental effects have been considered:

Landscape and Visual Impact

The application will be accompanied by a Landscape & Visual Impact Appraisal which will demonstrate that the views of the site from the surrounding area are extremely limited. There are several fields within the site, each of which is well enclosed with good amounts of hedgerow and tree cover, which limits longer distance views. The application will include generous accessible green infrastructure, including earth mounding and woodland belts, which will integrate the development well into its context.

Trees and Hedgerows

The application will be accompanied by a Tree and Hedge Survey and Method Statement. This will show that the trees are limited to the field edges and the indicative layout indicates that all the trees and the vast majority of the hedges can be retained as the proposal will make use of the existing field accesses. Where small amounts of hedgerow are lost to accommodate public routes across the site, these will be compensated by extensive new planting.

Ecology

The application will be accompanied by an Extended Phase I Ecological Assessment and associated surveys as advised by the Wildlife Trust. These will demonstrate that the site could be developed without significant harm to ecological resources. The Assessment also concludes that a scheme of biodiversity enhancements can be integrated into the proposed green infrastructure (native planting, habitat creation and green corridors) which will benefit Biodiversity Action Plan species, such as birds and bats.

Flood Risk and Drainage

The application will be accompanied by a Flood Risk Assessment/SUDS Strategy and Foul Drainage Statement.

The Flood Risk Assessment will demonstrate that housing development area within the site is not affected by flood risk. This follows detailed analysis in consultation with the Environment Agency. The Zone 3 land within the proposed landscaped open space to the east of the site, resulting from the culvert under the canal, will be embraced and enhanced as a wetland habitat. The land slopes gently away from the housing development area and the opportunity exists to pick up all the surface water through a system of swales and ponds which can control and store water in storm events. This storage results in discharge rates of storm water at no more than current flows off the site so there is no material impact on the flows into the watercourse. This will bring ecological and amenity benefits in accordance with the recommendations of the East Staffordshire Green Infrastructure Study.

The public sewer runs along Efflinch Lane, flowing from north to south, and then alongside the canal (within the application site). The foul sewerage from the western part of this proposed development can drain directly into the sewer under Efflinch Lane and that part to the east can flow into the sewer within the site, at a suitable point before it crosses under the canal. There will be no detrimental effect on the capacity of the village as the connections are made downstream of most of the homes in the village and Severn Trent as the sewerage undertaker confirms that there is adequate capacity.

Highways

The application will be accompanied by a Transport Assessment and Travel Plan which will demonstrate that the local transport network will be able to accommodate the additional demands generated from the site. Other proposals for a community car park will benefit local highway conditions for the village as a whole.

There are no existing public footpaths within the site and the opportunity is to create a set of public and permissive routes to link to the surrounding land uses.

Noise

The application will be accompanied by a Noise Assessment as the proposed housing development area is approximately 235m from the A38 trunk road and 500m from industrial installations. The assessment will demonstrate that the development will achieve good resting/sleeping conditions as defined in BS 8233:1999 Sound Insulation and Noise Reduction for Buildings. The assessment will also model the proposed earth bunds alongside the A38 to demonstrate acoustic benefits they will bring to the scheme and the wider village.

Air Quality

The site is remote from any air quality management areas and its location on the edge of Barton under Needwood is unlikely to result in any issues of air quality.

Archaeology

The site does not fall within a known site of archaeological interest and early discussions with the District Council indicated that this could be dealt with by condition.

Conclusion

Having considered the location of the site and the nature of the development proposed, we do not consider that it will give rise to significant environmental effects such that would require an Environmental Impact Assessment to be carried out.

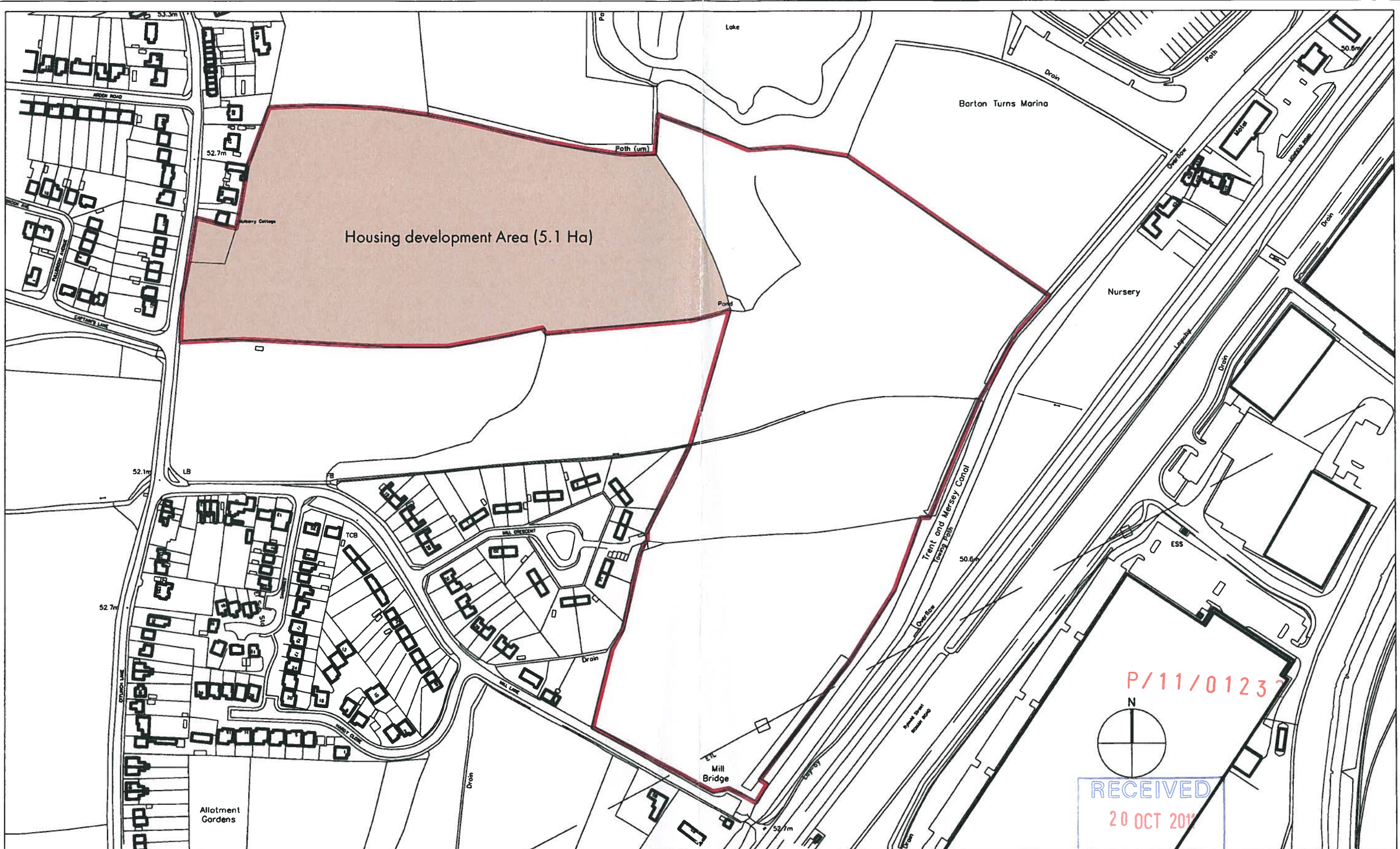
We trust that this provides sufficient information in order for you to confirm your Council's formal Screening Opinion. However, in the meantime, please do not hesitate to contact me if you require any further information.

Yours sincerely



Tom Hutchinson BA MA MRTPI
Associate Planner

For and on behalf of
Howard Sharp & Partners LLP



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Drawing original size: A3

Notes:

Unless indicated, this drawing is for information only.
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 All dimensions to be checked on site



PLANNING APPLICATION ISSUE

Revisions:

Date:	Rev:	Note:

P/11/0123

RECEIVED
 20 OCT 2011

Project: Effinch Lane, Barton under Needwood
 Dwg Title: Screening Plan
 Scale: 1:2500 @ A3
 Date: 19.11.2011
 Drwg. No: SK0128_191011_01
 Rev: