

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Outline application for up to 170 dwellings including means of access

Land off Lightwood Road, Yoxall

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:

Schedule 2:

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. 7.3 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 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

National Planning Practice Guidance:

The National Planning Practice Guidance (NPPG) advises in Paragraph 058 Reference ID 4-058-20140306 indicative thresholds where it is more likely that EIA will be required, and also advises of key issues to consider. In relation to Urban Development Projects it advises the following: -

Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.

Sites which have not previously been intensively developed:

- (i) area of the scheme is more than 5 hectares; or
- (ii) it would provide a total of more than 10,000 m² of new commercial floor-space; or
- (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

The NPPG advises that the key areas to consider are as follows: -

Physical scale of such developments, potential increase in traffic, emissions and noise.

Assessment:

The proposed 7.3ha housing site would be situated adjacent to the existing village on an area of predominantly undeveloped land. The site is located immediately to the west of Lightwood Road and Ferrers Road. Agricultural fields adjoin the site to all other boundaries of the site.

Despite the physical scale of the development in comparison to the existing village, it is not considered that the housing development would have an urbanising effect of such significance to require an Environmental Statement.

On the basis of the information available the site does not fall within or near to a 'sensitive' area as described by Regulation 2 of the 2011 Regulations or that any significant environmental effects are likely, having regard to the relative abundance, quality, regenerative capacity and absorption capacity of natural resources and natural environment in the area. Additionally, on the basis of the information provided, it does not appear that there are likely to be any significant environmental effects in terms of use of natural resources, production of waste or risk of accidents.

The impacts on heritage assets are an important consideration in relation to any application, however the impacts of the proposal can be considered through a normal heritage assessment, and are not sufficient to warrant a formal ES.

The site is within Flood Zone 1 and therefore any drainage and flood related impacts are expected to be localised and of a limited nature, such that an Environmental Statement would not be warranted in this regard.

The potential increase in traffic, emissions and noise pollution are particular environmental impact considerations in this case. It is considered that these impacts would not be significant if considering this development in isolation.

The Regulations however, require the cumulative effects of the development to be considered. There is a consented scheme for up-to 40 dwellings at Leafields Farm to the north of the application site, and a number of smaller developments are proposed to the village. It is not however considered that the level of consented development in and around the village, which is still well below the suggested threshold of 1,000 dwellings, where an EIA is more likely to be required. It is noted that in the wider area permission has recently been granted for a number of significant housing applications, and strategic urban extensions in and around Burton upon Trent. These developments could result in an increase in traffic using the local highway network, but as these developments and Burton upon Trent itself is a significant distance from Yoxall it is considered that the impacts of these consented proposals will be sufficiently dispersed onto the wider network.

This site does not lie in an Air Quality Management Area, is not sensitive in ecological terms and will not result in any long term noise or vibration implications.

It is therefore considered that whilst in the context of the existing village the development is significant in scale it is not of a sufficient size to require the submission of a formal Environmental Impact Assessment.

Recommendation:

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

Team Leader / Planning Manager comments:

Agreed, quantity of proposed development is too small to require an ES and the distance from B-U-T to far to require an ES based upon cumulative impacts.

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.

Planning Manager ANNA MILLER

Signature: 

Date: 30th January 2015.