

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Outline residential development including means of access, woodland amenity planting and open spaces for approximately 300 dwellings on 17.16 hectares of land

off Forest Road, Burton upon Trent.

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, 68.8 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. 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, Column 2 adds that in the case of changes or extensions to development listed in paragraphs 1 to 12 an EIA is more likely to be required if the development as changed or extended may have significant adverse effects on the environment: or in relation to development of a description mentioned in column 1 of this table, the thresholds and criteria in the corresponding part of column 2 of this table applied to the change or extension are met or exceeded.

Assessment:

The proposed 17.16ha housing site with amenity space and woodland planting would be situated adjacent to an urban area on previously undeveloped land. It would be immediately to the south of Forest Road/Henhurst Hill and the proposed built form would not extend further south than the existing housing development at Aviation Lane.

The site is elevated in relation to Forest Road by way of a relatively steeply graded area immediately to the south of existing housing and woodland along the main road followed by less steeply graded land across the remainder of the site. On the submitted Illustrative Master Plan the steepest land is shown as amenity woodland and water features with housing on the less steeply contoured areas.

Despite the physical scale of the development and the elevated nature of the site relative to the built up area to the north, it is not considered that the housing development, which would include amenity and peripheral woodland planting, would have an urbanising effect of such significance to require an Environmental Statement.

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

impacts on local biodiversity and ground conditions are unlikely to be significant such that an Environmental Statement would not be required in these regards.

The site is within Flood Zone 1 and 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. Whilst it is considered that these impacts would not be significant if considering this development in isolation, the Regulations require the cumulative effects of the development to be considered. Having regard to other large scale residential schemes which are currently being assessed by the Local Planning Authority, it is concluded that the cumulative impact in terms of the effects of traffic in the locality and on the wider network is likely to be significant, and therefore a formal Environmental Statement will be required.

Recommendation:

A formal screening opinion be adopted that an Environmental Assessment will 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 required in respect of the development as proposed.

Team Leader

Signature:



Date: 28th May 2012

P/2012/00547

2nd May 2012

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MARS/001
2nd May 2012

Dear Mr Harley

Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 Request for Screening Opinion for Proposed Outline Residential Development at Land off Forest Road Burton upon Trent For Marston's PLC.

We write to you to request a screening opinion under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 to establish whether or not the development proposed should, in the Council's opinion, be subjected to an EIA.

The Proposal

Outline Residential Development, including means of access, woodland amenity planting and open spaces for approximately 300 dwellings on 17.16 hectares land off Forest Road Burton upon Trent. (See plan appendix 1 and indicative layout Appendix 2).

Section 5 of the regulations requires the submission of a plan to identify the land, a description of the development and possible effects and any other supporting information. A site plan is attached together with an indicative master plan of the proposals. The following supporting documents have previously been given to the LPA in respect to Transport, Ground Conditions, Ecology, Flood risk and Drainage. The scheme that is being prepared envisages that the proposed dwellings will occupy around ten hectares and around 7 hectares will remain undeveloped and in use as green infrastructure including new forest planting.

Screening Criteria SI no 1824 of 2011

The development proposed does not fall within Schedule 1 of the Regulations where an EIA assessment is mandatory. However, on the basis of interpreting the Regulations as having "wide scope and broad purpose" it is considering that the proposal may be considered against Schedule 2. Schedule 2 does identify at Category 10 (b) Urban Development Projects, although this does not specifically list residential development as a trigger in itself.

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.

Circular 02/99 at Para 44 directs readers to appendix A, which sets out the criteria and/or thresholds for Category 2 development and indicates the types of case in which, in the Secretary of State's view, that an EIA is more likely to be required. Annex B of the circular gives an indication of the types of impact that are most likely to be significant for particular types of development

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.
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 - (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
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Assessment:

In assessing the proposal in the context of the above, while the development may be classed as an urban development project relating to a site that is more than 5.0 ha, it is significantly less than the 1,000 dwellings considered that may have an urbanising effect [ref A 19 annex A of 02/99]

The proposed development is situated immediately adjacent to and part of the Burton urban area. The development is contained by Forest Road to the north and does not extend further west than the existing housing at Aviation Lane and it is therefore not considered that the site would have significant urbanising effects.

The physical scale of this proposal and the potential increases in traffic, emissions and noise are relevant considerations. However given the limited scale of the proposal of approximately 300 dwellings, these factors are not considered to be of such significance that an EIA is necessary. These considerations can be adequately covered by the comprehensive documentation necessary to be submitted with the application .

The site is not located in a geographically environmentally sensitive location (in terms of the Regulations) nor is it located within any special landscape zone.

The development proposed is not complex or potentially hazardous.

The majority of the site is within Flood Zone 1 (low risk), and flood related issues have been assessed by a Flood Risk Assessment as part of the pre application process, and again it is considered that any impacts relate to drainage and run off and will be mitigated and contained on site.

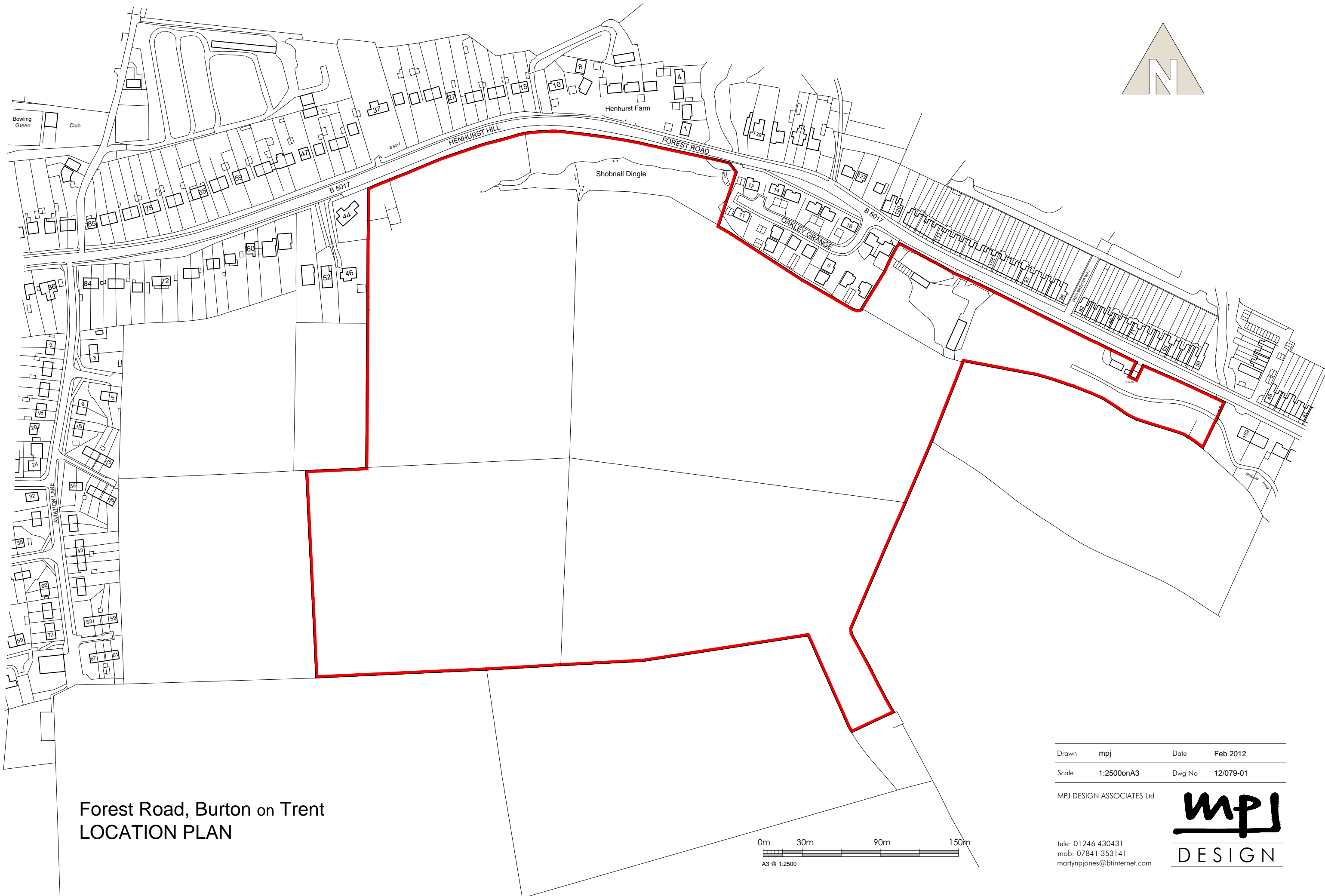
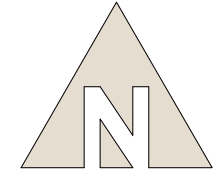
It is considered that the environmental effects of this development will not add significantly to the current position and taking all matters into account do not require a EIA submission.

The council are requested to take account of the above in formulating a response to the request for a screening opinion.

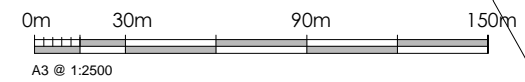
Yours sincerely



Thomas W. Beavin



Forest Road, Burton on Trent LOCATION PLAN



Drawn **mpj** Date **Feb 2012**

Scale **1:2500onA3** Dwg No **12/079-01**

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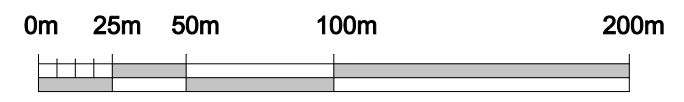
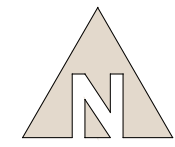
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... prepared in association with

JVH TOWN PLANNING CONSULTANTS LTD



NOTES:

- ACCESS POINTS ARE AS PRESCRIBED BY White Young Green.
- CONTOURS AS INDICATED REPRESENT EXISTING LEVELS TO ILLUSTRATE GENERAL SITE TOPOGRAPHY.
- GROSS SITE AREA = 17.16 h
NOTIONAL DEVELOPABLE AREA = 9.5 h
ANTICIPATED NUMBER OF UNITS = circa 300

Client	Marston's plc	drawn	mpj	date	April 2012
Job	Forest Road, Burton upon Trent	scale	1:2500 on A3	dwg no	12/079-02 DRAFT v.3
Title	Illustrative Masterplan				

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