

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Erection of four warehouses (Class B8 Storage and Distribution), including alterations to the ground level and associated works (Amended Scheme)

Marstons Brewery, Shobnall Road, Burton Upon Trent, Staffordshire, DE14 2BG

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 7 (d) as an Brewery development, with the floor area exceeding 1000 square metres.

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 2550 square metre storage building for uses required by Marstons Brewery is sited in an urban area on previously developed land.

The building would be accessed from Shobnall Road but would back onto George Callister Way. To the east of the site there is the Trent & Mersey Canal and its associated Conservation Area.

Despite the physical scale of the development, it is not considered that the 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 site is partially located within Flood Zone 3 and but subject to approval of

a suitable Flood Risk Assessment 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 given that the structure would service existing storage needs within the site rather than generate additional activity.

Notwithstanding this argument should the proposal lead to an increase in traffic through the adjacent road network, the site does not lie in an Air Quality Management Area and as such a significant environmental effect is unlikely.

The Regulations however, require the cumulative effects of the development to be considered. There are no developments of a similar scale proposed adjoining this site; however in the wider area permission has recently been granted for a number of significant housing applications, and strategic urban extensions. These developments could result in an increase in traffic using the local highway network, but this is not considered to be to a significant level, and this site is sufficiently detached from other major developments that impacts will be sufficiently dispersed onto the wider network.

Recommendation:

A formal screening opinion be adopted that an 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.

Planning Team Leader / Planning Manager



Signature

Date 21st May 2014

For details of planning application please view application number P/2014/00420

