

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Re-development of 3.28ha of land for up-to 50,000 ft² of bulky goods retail space

Land at Ni-Chro Alloys Ltd, Wellington Road, Burton upon Trent, Staffs. DE14 2AP

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, 3.28 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

- a) the existing land use,
- b) the relative abundance, quality and regenerative capacity of natural resources,
- c) 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 :
- a) The extent of the impact
 - b) Transfrontier nature of the impact
 - c) Magnitude and complexity of the impact
 - d) Probability of the impact
 - e) 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:

In assessing the proposal in the context of the above, the Council's view that the development is not of a significant scale, and is not of more than local importance. The site area is 3.28ha, set within the urban area of Burton upon Trent. The site is located in a predominantly commercial area and in this context it is therefore not considered that the site would have additional significant urbanising effects.

The physical scale of such development and the potential increase in traffic, emissions and noise are particular considerations. In this instance it is considered that these issues can be adequately covered by the comprehensive documentation necessary to be submitted with the application, and an EIA is therefore unnecessary. The site is not located in an environmentally sensitive location (in terms of the Regulations) nor is the development proposed complex or potentially hazardous. The site is within Flood Zone 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.

Issues in relation to ground conditions, ecology, noise and air quality can also be covered via the submission of specialist reports.

The traffic implications of the scheme can be considered by way of the submission of a supporting Transport Assessment, which will assess the impact of the proposal on both the local and strategic highway network.

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.

The cumulative impacts of the scheme must be considered given the extant consent adjoining the site, however it is considered that this site does not significantly alter the existing position, or add to the effects of the adjoining development to such a degree that an EIA would be necessary.

Recommendation:

A formal screening opinion be adopted that Environmental Assessment is not 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.

Signature *A. e. H. G. G.*

Planning Manager

Date *15/7/2024*