

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999**

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

Proposed Development:

Erection of 5 individual poly-tunnel type hangers at Tatenhill Airfield

Introduction:

The Council has been consulted on the above development, which is proposed to be carried out as being permitted under Part 18 of the Town and Country Planning (General Permitted Development) Order 1995, by the relevant airport operator, Tatenhill Aviation Ltd. Details of the proposed development have been provided by means of plans and elevations sent with a letter dated the 11th March 2011, supplemented by an email dated 15th March 2011. Having regard to Article 3(10) of the GPDO, in the case of development which is Schedule 1 or Schedule 2 development within the meaning of the EIA Regulations, development is not permitted unless one of three conditions is satisfied, one of which is the adoption by the local planning authority of a screening opinion under regulation 5 of the EIA Regulations that the development is not EIA development.

Copies of the letter of 11th March 2011 and its enclosures, and of the email of 15th March 2011 are attached to this Screening Opinion.

Schedule 1:

No

Schedule 2:

Yes

The development proposed does not in itself fall within any of the descriptions listed in paragraphs 1 to 12 of Column 1 of Schedule 2 of the EIA Regulations, but it is a proposal to change an existing development, namely Tatenhill Airfield, which falls within the description at paragraph 10(e) and has an area exceeding 1 hectare. In the light of the decision of the High Court in R (Baker) v Bath and North East Somerset Council [2009] EWHC 595 (Admin), [2009] Env L R 27, the Council takes the view that, as a proposal to change an existing airfield with an area exceeding 1 hectare, the proposed development is to be regarded and treated as Schedule 2 development.

Circular 2/99:

In respect of Schedule 2 development, an assessment will only be required if the development, **or the existing impact of the use of the land as modified by the development** is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Circular 2/99: Environmental Impact Assessment requires regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.

terms of the Regulations) nor is the development proposed complex or potentially hazardous.

It is also noted that the Planning Inspectorate on the previous refused planning application which included 8 hangers, with a floor area of approximately 5,000m² did not consider an EIA necessary. This proposal, and the cumulative impact of previous approvals at Tatenhill Airfield are nowhere near exceeding the level of development under which an EIA was not considered necessary.

Given the above it is considered by the Council that the environmental effects of the development, including the cumulative impact of the proposal in the context of the existing land use, and previous permissions and works, are not such that the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location or in any other manner.

Recommendation:

A formal screening opinion be adopted that the development consulted on is not EIA development.

Planning Delivery Team Leader/Chief Planning Officer 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.

The development as proposed is not EIA development and no Environmental Statement is required.

Team Leader/~~CPO~~ Signature *J. Roebuck* Date *11th April 2011*