

**Town and Country Planning Environmental Impact Assessment)
Regulations 2011**

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

Proposed Development:

**Erection of a two screen cinema (Class D2) and a pizzeria restaurant
(Class A3) including a manger’s flat.
At Barton Marina, Burton Turn, Barton under Needwood, DE13 8DZ**

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 proposal.

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 12 (b) Marinas.

Circular 2/99:

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 2/99: Environmental Impact Assessment requires 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, Annexe A to the Circular adds that in the case of urban development projects an EIA is more likely to be required if it would have significant urbanising effects (e.g. a new development over 1,000 dwellings or provide a total of more than 10,000 square metres of new commercial floorspace).

Assessment:

In assessing the proposal in the context of the above, the Council's view is that the proposed cinema and restaurant would be a small addition to the existing leisure facility, a marina consisting of A1, A2, A3, A5, C1 and D2 uses. The development will not, therefore, significantly increase the operational capacity of the site or introduce new use classes to the overall complex.

The Local Planning Authority considers that the generation of traffic from the development will also be environmentally insignificant taking account of the whole development.

The physical scale of the development is modest in the setting of the existing marina complex, and the Local Planning Authority considers that the visual impact of the development will be localised.

The site is not located in an environmentally sensitive location (as defined by the Regulations) nor is the development complex or potentially hazardous. Any site contamination can be remedied through appropriate remediation. The site has no particularly ecological or flooding issues.

Given the above, it is considered that the environmental effects of the development, including the cumulative impact of the proposal in the context of the existing land uses and buildings and a previous permission for a hotel, will not add significantly to the established situation such that the development is unlikely to have significant environmental effects in this area or beyond. An Environmental Statement is, therefore, not required.

Recommendation:

A formal screening opinion be adopted that 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.

Team Leader/Planning Manager

Signature: *f. Roebuck*

Date: *18th July 2012*

