

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

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

<b>Proposed Development:</b> <b>Erection of 10,102m<sup>2</sup> (108,737ft<sup>2</sup>) of A1, A3, A4 and A5 floor-space</b> <b>Burton Rugby Club, Lichfield Street, Burton upon Trent, Staffs</b>	
<b>Introduction:</b> 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.	
<b>Schedule 1:</b> <input type="checkbox"/> No	<b>Schedule 2:</b> <input type="checkbox"/> 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. 1.62 hectares, exceeding the 0.5 hectare threshold.	
<b>Town and Country Planning (Environmental Impact Assessment) Regulations 2011:</b> 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. <ol style="list-style-type: none"><li>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.</li><li>2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular<ul style="list-style-type: none"><li>• the existing land use,</li><li>• the relative abundance, quality and regenerative capacity of natural</li></ul></li></ol>	

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 m<sup>2</sup> 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 site is the existing Burton Rugby Club ground located on the edge of the town centre in Burton upon Trent in a heavily urbanised area.

In assessing the proposal in the context of the above, the Council's view is that it is a major development of local importance. The site area is 1.62 ha, set within an urban area, on a previously developed site. The suggested level where an EIA may be required is 10,000 square metres, and while this proposal is slightly over this threshold at 10,102 square metres this is due to the proposed installation of mezzanine floors in the units, the actual area of land taken up by the proposal measures 5,364 square metres.

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 within Flood Zone 3 however any flood risk or drainage issues can be considered through the submission of a Flood Risk Assessment and do not require the submission of an Environmental Statement as impacts are expected to be localised and of a limited nature.

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 if considering this development in isolation. The Regulations however, require the cumulative effects of the development to be considered. Within Burton upon Trent there are a number of large scale developments proposed and permitted, and traffic from these developments and the proposal will increase the frequency of the use of the local highway network, however it is not considered that this development will, given the scale of additional floor-space proposed, significantly increase traffic movements to such a degree that a for Environmental Statement is necessary.

This site does not lie in an Air Quality Management Area and therefore balancing the above considerations, it is determined that this proposal would not have a significant environmental effect.

It is therefore considered that the impacts of the development both cumulatively and in isolation do not require the submission of an Environmental Impact Assessment to support the scheme, and all matters can be considered through the relevant reports and documentation submitted in support of the application.

**Recommendation:**

**A formal screening opinion be adopted that an Environmental Assessment will not be required**

**Team Leader / Planning Manager comments:**

Agreed. Scale, location, slight increase in floor space but not sig. enough to warrant ES, despite exceeding threshold.

**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 Manager** ANNA MILLER

**Signature:** *Anna Miller*

**Date:** 30<sup>th</sup> January 2015