

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Reserved Matters application to develop 2.9 hectares of land for residential purposes, Land off Shobnail Road, Burton upon Trent

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 10 (b) as a Urban development project, with the area of development, 2.9 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. The 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

Assessment:

The site area is 2.9ha, set within an urban area, on a previously developed site; while the proposed development will result in the construction of approximately 87 dwellings on the land.

The site is previously developed land and is adjoined by existing residential, industrial and leisure uses, and as such ~~that~~ the redevelopment of the site will not have a significant urbanising effect in the locality. The site is adjoined by the Trent and Mersey Canal Conservation Area; it is accepted that there will therefore be an impact on this heritage asset, however this is not considered sufficiently significant to require an Environmental Statement.

The site is not located in an environmentally sensitive location (in terms of the Regulations) nor is the development proposed complex or potentially hazardous. Any site contamination can be remedied through appropriate remediation. The site is within Flood Zone 3, but any flood related issues will be addressed as part of the application process, and again it is considered that any adverse impacts to be mitigated will be localised in nature.

The scale of the development is such that it is considered that there will be no significant increase in traffic, emissions or noise pollution from the proposal in isolation, however the regulations require the cumulative effects of the development alongside other proposals to be considered. The Secretary of State advised recently on a larger proposal within close proximity of the site, and advised that less weight should be afforded to the cumulative effects of other applications which have yet to be determined.

Given this 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.

Recommendation:

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

Planning Team Leader / Planning ~~Services~~ 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 Services Manager

Signature *f. Roebuck*

Date *18th October December 2018*

