

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

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

**Proposed Development:**

Outline application for the erection of up to 55 dwellings, including the demolition of 78 and 80 Tatenhill Lane to facilitate the creation of a new access including details of access and site layout with all other matters reserved

Land off Tatenhill Lane, Tatenhill Lane, Branston, Staffordshire

**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 an Urban development project, with the area of development, 2.6 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

- 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 proposed 2.6ha housing site with woodland planting would be situated adjacent to an urban area on predominantly undeveloped land. The site is located immediately to the north of Branston Water Park, to the west of the A38 Trunk Road and the Leavesley Container site, to the east of the Trent & Mersey Canal and its associated Conservation Area and to the south of Tatenhill Lane.

Despite the physical scale of the development, it is not considered that the housing development, which would include amenity and peripheral woodland retention, would have an urbanising effect of such significance to require an Environmental Statement.

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 but any drainage and flood related impacts are expected to be localised only and of a limited nature, which will be addressed by the Flood Risk Assessment, such that an Environmental Statement would not be warranted in this regard.

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. The Secretary of State advised recently on a larger scale proposed development in Burton that less weight should be afforded to the cumulative effects of other applications, which have yet to be determined, since there can be no certainty that they will receive planning permission (such as the Branston Locks scheme located nearby). Moreover, whilst there will be an increase in traffic along part of Tatenhill Lane, the site does not lie in an Air Quality Management Area and as such a significant environmental effect is unlikely.

**Recommendation:**

**A formal screening opinion be adopted that an 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.**

**Planning Team Leader / Planning Manager**

**Signature**

**Date            31<sup>st</sup> October 2013**

