

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Extension to pig finishing facility

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:

Schedule 2:

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 1 (c) as an intensive livestock installation, with floor-space created of approximately 1800 square metres, exceeding the 500 square metre 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

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 intensive livestock installations it advises the following: -

Environmental Impact Assessment is more likely to be required for:

Installations designed to house more than 750 sows, 2,000 fattening pigs, 60,000 broilers or 50,000 layers, turkeys or other poultry.

The NPPG advises that the key areas to consider are as follows: -

Level of odours, increased traffic and the arrangements for waste handling.

Assessment:

The proposal involves the erection of a pig finishing unit comprising two parallel units with a capacity of 1750 pigs. The site comprises agricultural land within a rural area with an existing finishing unit on site currently housing 1750 finishing pigs.

The scale of the proposed development is not unusually large for an agricultural building however the cumulative impact of this and the existing building results in the doubling of the pig finishing operation at the site, exceeding the indicative threshold beyond which an ES is more likely to be required for such an operation, is a key consideration in this case. The key environmental effects of the proposal are considered to be impact of odour, increased traffic and the arrangements for waste handling.

The nearest dwelling is approximately 320 metres from the site. A degree of odour related to agricultural practice could reasonably be expected in rural areas. However, it is considered that the cumulative impact associated with the intensification of the existing operations at the site by doubling its scale could lead to significant effects in terms of odour generation and as such this issue will need to be addressed in more detail through the submission of an Environmental Statement.

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 development could result in an increase in traffic using the local highway network, but this is not considered to be to a significant level. The site lies in close proximity to the A38, which sees significantly larger numbers of HGV movements per hour and as such the Environmental Statement would not be required to address this element in this case.

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 or risk of accidents.

All other material planning considerations including flooding, drainage and the impact on heritage assets, whilst of significant importance in the consideration of any future application, are considered to be localised and of a limited nature, and as such the Environmental Statement would not be required to address these elements of the development.

The proposed development is on a local rather than a regional scale, and as such the vast majority of the impacts of the proposal will be localised rather than transfrontier. However, it is considered that an Environmental Statement is required in this instance as the cumulative impact of the existing and proposed installations in terms of odour emissions has the potential to have a significant impact on both nearby and wider sensitive receptors.

Recommendation:

A formal screening opinion be adopted that an Environmental Assessment is required to address the impact of odour emissions

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 Manager

Signature

Rene Keller

Date

27th July 2014