

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Proposed Development:

Erection of 40 Residential Units, Vehicular Access and Landscaping

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, 1.06 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 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 the guidance 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 while the development is of a significant scale, it is a major development of local importance. The site area is 1.06ha of previously developed land, set within the existing urban area of Burton upon Trent. The site is enclosed by the Trent and Mersey Canal, allotment gardens, residential properties and the public highway. The site has a previous planning outline approval for residential development.

The physical scale of such developments and the potential increase in traffic, emissions and noise are particular considerations. In this instance the development proposes 40 residential units (20 dwellings, and 20 apartments). As the development is for this number of properties, significantly below the 1000 dwellings where an EIA is more likely to be required, and the site is not located in an environmentally sensitive location (in terms of the Regulations) and is not complex or potentially hazardous, it is not considered a formal EIA is necessary.

All other issues raised by the proposal can be adequately considered within documents submitted in support of the planning application, and ~~do~~ not require the completion of the formal Environmental Impact Assessment.

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: *P. Roebuck*

Date: *27th January 2012*

