CIRCULAR 02/99 - ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999

Paragraph 28 of Circular 02/99 indicates that in the first instance it falls to the local planning authority to consider whether a proposed development requires an EIA. If the development falls within a Schedule 1 development or Schedule 2 development then an EIA may be required.

Paragraph 29 of the Circular indicates that Schedule 2 development is development of a type listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 which:

a) is located wholly or in part in a 'sensitive area'; or
b) meets one of the relevant criteria or exceeds one of the relevant thresholds listed in the second column of the table in Schedule 2.

Part 10 'Infrastructure Projects' of Schedule 2 of the Regulations includes:-

a). Industrial estate development projects.

Annex A of the Circular provides an indicative threshold and criteria for identification of Schedule 2 development requiring EIA. Paragraph A17 in respect of urban development projects advises that:

'EIA is more likely to be required if the site area of the new development is more than 20 hectares. In determining whether significant effects are likely, particular consideration should be given to the potential increase in traffic, emissions and noise.'

BACKGROUND TO SCREENING OPINION

Paragraph 32 of the Circular requires the local planning authority to screen every application for Schedule 2 development, which is referred to as a 'screening opinion'.

The question that must be asked is:-

'Would this particular development be likely to have significant effects on the environment.'

The starting point to determine whether the development is likely to have significant effects on the environment are found in Schedule 3 of the Regulations. Schedule 3 sets out the 'selection criteria', which must be taken into account, and the broad criteria are as follows:

1. Characteristics of development
   (size, use of natural resources, quantities of pollution and waste generated)

2. Environmental sensitivity of the location
3. Characteristics of the potential impact
   (magnitude, duration, frequency and reversibility of the impact)

The Secretary of States view is that, EIA will be needed for Schedule 2 developments in three main types of case:-

1. for major developments which are of more than local importance; and
2. for developments which are proposed for particularly environmentally sensitive or vulnerable locations; and
3. for developments with unusually complex and potentially hazardous environmental effects.

The fundamental test to be applied in each case is whether that particular type of development and its specific impacts are likely, in that particular location, to result in significant effects on the environment.

SCREENING OPINION

The application seeks planning consent for the erection of three industrial units to be used for B1 (light industrial); B2 (general industrial); B8 (storage and distribution) use. The site area exceeds 0.5 hectare. The proposal would therefore be classed as an ‘urban infrastructure project’ falling within Schedule 2 of the EIA Regulations 2011.

In considering whether the development is likely to have significant environmental effects, in line with selection criteria found in Schedule 3 of the Regulations, the Local Planning Authority as the competent authority have taken into account the following factors:

Size of the site

The site would be significantly below the threshold of 20 hectares set out in paragraph A17 of the Circular 02/99.

Characteristics of development

The application site lies to the north of the existing Duchess Street Industrial Estate in Shaw. The site is bounded by a highway and Green Belt to the north and industrial development to the southern, eastern and western boundaries.

The site is previously developed and comprises hardstanding and a vacant building. Historic records show that a industrial buildings have been present on the site and these were demolished following a fire.

The site is unallocated in the Oldham LDF Joint DPD.

Cumulative impact with other development

The immediate surrounding area is of industrial/commercial character and appearance and the proposed use is considered to be consistent with the use of the wider industrial estate.

The applicant has submitted a range of documents, including layout plans and design and access statement. These documents will inform the decision making process in conjunction with the relevant consultees.
Use of natural resources

The proposal would involve the redevelopment of a previously developed site. The proposal will require energy and water but is not predicted to be sufficiently unusual or complex to warrant an EIA.

Production of waste

The development will produce waste associated with the remediation of the site and development of the proposed scheme. The expected amount of waste is an unavoidable consequence of redeveloping this site. The impact is not considered to warrant an EIA.

Pollution and Nuisances

The proposal would not involve the use, storage or release of hazardous substances. The Environment Agency and the Council’s Highways Section are currently assessing the impact on flood risk and highway safety. The site was previously in use for industrial purposes and would have produced a considerable amount of noise, air pollution and traffic movements. The proposed development is not considered to be significantly worse than the previous use of the site in terms of pollution and nuisances and would introduce such pollution and nuisance to the area to warrant an EIA.

The Council’s Environmental Health Section has been consulted as part of the planning application process and their comments on potential land contamination will follow. The Council’s experience on similar sites suggests that the level of contamination will not be significant enough to warrant an EIA.

ENVIRONMENTAL SENSITIVITY OF THE LOCATION

Existing land use and natural resources in the area

The existing site comprises hardstanding and existing industrial units and is previously developed in nature. The site is not formally designated as an area of local, regional or national site of ecological importance. There are unlikely to be any wildlife habitats currently on site given the existing use. The proposal would not impact on any environmentally sensitive area as defined by Circular 2/99. Impact not considered to warrant an EIA.

Absorption capacity of the natural environment

The proposal will not have a significant impact on the local population and the anticipated additional traffic movements and pollution is not anticipated to be significant on a scale beyond the immediate vicinity. Impact not considered to warrant an EIA.

Characteristics of the potential impact

It is not considered that the development will result in unusual or complex effects or affect a large number of receptors over a wide area. Impact not considered to warrant an EIA.

CONCLUSION
The proposed development is Schedule 2 development by virtue of the fact that it is an urban development project of over 0.5 ha. Annex A of Circular 02/99 identifies the thresholds and criteria for Schedule 2 development stating that EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use. As assessed against Schedule 3 it is not considered that the proposed development is of a significantly greater scale, type and intensity to warrant the submission of an EIA as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

Documents referred to in this assessment:


Circular 02/99 Environmental Impact Assessment

Signed: .......................................................... Dated: 22 May 2012

Mr Jameson Bridgewater
Head of Development Management