Dear Sir/Madam,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) ENGLAND AND WALES) REGULATIONS 1999 – DEVELOPMENT OF PRIMARY, LOCAL CENTRE AND 800 DWELLINGS AT PATTERDOWN LANE, CHIPPENHAM.

REQUEST FOR SCREENING OPINION UNDER REGULATION 5(1)

Thank you for your request for a screening opinion, received 12 August 2013, in respect of whether an Environmental Impact Assessment is required in relation to a proposed development on land at Patterdown Lane, Chippenham for a mixed use development comprising a primary school, local centre and up to 800 dwellings, together with associated access and landscaping.

Following letter of DCLG in June 2006 to Chief Planning Officers which provided interim guidance in respect of the consideration of the need for an EIA/screening, consideration to EIA is required at both outline and reserved matters stage, notwithstanding the grant of any outline planning permission. This advice follows judgments handed down by the European Courts of Justice. Thus this process should be followed again at any reserved matters stage.

The site comprises around 158ha of mainly agricultural land situated to the South of Chippenham and is situated a short distance to the East of the main railway line that bisects the town between Bath and Swindon. The land is located entirely outside of the settlement framework boundary for Chippenham, as defined by the adopted North Wiltshire Local Plan 2011, and partially within the Rowden Conservation Area. The site is identified in the emerging Wiltshire Core Strategy as a potential housing and green space allocation, with an indicative figure of 800 dwellings

Based upon the description of development you have supplied, it is agreed that the proposed development is a type of development described within Schedule 2 section 10(b) Urban Development Projects and far exceeds the applicable threshold of 0.5ha.
Once established as EIA development, the test for the need for an EIA is, therefore, whether the proposal would be likely to give rise to significant effects on the environment by virtue of factors such as size, nature or location as outlined in Schedule 3 of the Regulations and also referred to in Circular 02/99 and the amended Circular on Environmental Impact Assessment (Consultation Draft – June 2006).

Schedule 3 Selection Criteria for EIA Screening

The opinion below is structured according to the criteria set out in schedule 3 of the above mentioned Regulations, as follows:

1. Characteristics of the development
2. Location of the development
3. Characteristics of the potential impact

1. Characteristics of development

Size of the development

The proposal is for a mixed use development incorporating a local centre, to include a primary school, together with up to 800 dwellings. The supporting information provided indicates a general distribution in line with the spatial allocation contained in the draft Wiltshire Core Strategy, and including the proposed allocation of employment land to the immediate South.

The cumulative impact with other development

The circular elaborates at paragraphs 45 and 46 confirming that each application (or request for an opinion) must be considered for EIA on its own merits. The development should be judged on what is being proposed by the developer. In judging whether the effects of a development are likely to be significant, local planning authorities should have regard to the possible cumulative effects within any existing or approved developments.

To the immediate South is a further suggested allocation of employment land, with which the application site would be read. Other housing sites at Hunters Moon, to the West, and sites North and East of Chippenham, which have been identified either at strategic level or through recent applications, are all of relevance to this screening opinion. In this respect, these sites are worthy of consideration by virtue of their timing in the context of their cumulative urbanising effect on Chippenham and environs. To consider these sites in complete isolation would therefore be divergent to the objectives of the Chippenham Transport Model.

In the recent past, major urban extensions to Chippenham have largely been focused on the East of Chippenham, with the Pewsham development standing out as an obvious example. Although situated a relatively short distance away from the northern parts of the application site likely to be conserved as a green buffer, the general impacts of the earlier development are now known in any case and in this context can be assumed to change relatively little in the immediate future, for the purposes of this opinion.

Use of natural resources and production of waste

The site will involve the development of Greenfield agricultural land for predominantly residential purposes. This is not in itself considered grounds to require an EIA but of course in accordance with the adopted Waste Local Plan, a waste management strategy will be required in order to determine any future planning application.

Pollution, nuisance and risk of accidents, having regard to substances or technologies used
Although the proposal is for the development of an urban fringe site for predominantly residential purposes and any future planning application should include a basic assessment of any contamination of the site and proposed measures for its remediation. There are risks of accidents associated with the construction phase. However, whilst both issues need to be addressed, they are not so significant as to justify consideration via the EIA procedure.

Any application should be supported by flood risk assessments, geo-technical and contamination reports for the avoidance of doubt.

The proposed development is not anticipated to be a significant potential source of pollution and there is no risk of environmental accidents in relation to the proposed use of the site. The development will result in a typical increase of vehicular movements and thus corresponding levels of air pollution from vehicle emissions.

Hours of construction conditions can be imposed and there is separate legislation which can be enforced in the event of noise and nuisance directly arising from this proposed development.

2. Location of development

Existing land use

In considering the need for EIA, regard is to be paid to the existing use of the land, which in this instance has been historically confined to agricultural purposes. Paragraph A19 of Circular 02/99 confirms that development proposed for sites which have not been intensively developed are more likely to require an EIA if the site area is more than 5ha; or would provide 10,000sqm of commercial floorspace; or the development would have significant urbanising effects in a non, urbanised area (e.g. a development of more than 1,000 dwellings). In this instance, particular consideration has been given to the size of the site, number of proposed dwellings and potential urbanising effects on the surroundings of Chippenham.

The substantial site is located within an area of high archaeological interest. There are known archaeological remains within the proposed red line area north east of Showells Nursery and west of Rowden Manor. Development will also impact on the Scheduled Monument at Rowden Manor, which lies to the immediate East of the site boundary. In this respect, it is considered that the site is notably vulnerable to extensive new development.

Relative abundance, quality and regenerative capacity of the natural resources in the area and absorption capacity into the natural environment

The current ecological status of the site is likely to be typical of its rural fringe setting and agricultural use, supporting a range of habitats with an emphasis on the network of hedgerows and riverbank. Although not having a particular environmental policy designation, a full Phase 1 habitat survey should be undertaken and submitted as part of any forthcoming application. Clearly, evaluation of the value of the site as a habitat and modification of the proposal in light of the conclusions of that evaluation will need to be an integral component of the application process. Whilst important, such considerations can be dealt with outside of the EIA process.

3. Characteristics of potential impact

The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 of Schedule 3, and having regard to the criteria set out in (a) and (e) of Paragraph 3 of Schedule 3.
Extent, magnitude and complexity of impacts

Impacts arising from this development are not considered to be unusually complex; the proposal amounting to a relatively typical urban extension. Due to its scale and location, the effects of the development are likely to be felt beyond the immediate surrounding area, and this is reinforced by its linkage with the allocated employment site to the immediate South. Therefore, whilst not unusually complex, the impacts of the development are of such an extent that it is considered reasonable that assessment of these should be undertaken via the EIA process.

Any impacts on social infrastructure such as education, health and open space that are identified by the application process could potentially be ameliorated via provision of (or financial contributions in lieu of provision) such infrastructure, which would be delivered under S106 of The Act and associated with any grant of planning permission. To this end, the application makes reference to the provision of a new primary school.

Concern the probability of impacts, their duration, frequency and reversibility

Any impacts arising from the development as outlined above would be likely to be recurrent and permanent. However, such impacts arising from redevelopment are axiomatic and do not in themselves warrant the application to be considered via the EIA procedure.

Conclusions

Paragraph 33 of Circular 02/99 "Environmental Impact Assessment" states EIA will be needed for Schedule 2 developments in 3 main categories

a) For major developments which are of more than local importance;
b) For developments which are proposed for particularly environmentally sensitive or vulnerable locations; and
c) For development with unusually complex and potentially hazardous environmental effects.

The development is considered to be of more than local importance to the Chippenham area, having been identified as a strategic site in conjunction with a substantial employment allocation, although not considered to be unusually complex or likely to have any potentially hazardous effects. However, the scale of development, cumulative urbanising effect, current land use and archaeological importance of the site warrant timely and comprehensive assessment of the impacts of the proposal, such that should be undertaken outside of the normal application process.

As such the Council concludes that assessed against the criteria set out in the 1999 Regulations and the guidance set out in Circular 02/99, Environmental Impact Assessment is required for the proposed development of a primary school, local centre and up to 800 dwellings.

I have noted your request for a scoping opinion, the content of which is likely to draw a strong parallel with the issues identified at the site in the emerging Wiltshire Core Strategy. For a more detailed examination at the scoping stage, however, I would encourage you to submit any further detail possible – for instance including access and distribution of the local centre element. Otherwise, I will endeavour to provide an opinion in this respect within three weeks, based on the information submitted to date.

I trust this opinion is clear, but please do not hesitate to contact me if you wish to discuss further.

Yours sincerely

Chris Marsh
Planning Officer