

SW/01/n1720P

Planning and Environment
North Lincolnshire Council
Email: planning@northlincs.gov.uk

10th March 2021

Dear Sir/Madam,

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REQUEST - THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED) – LAND AT LINCOLNSHIRE LAKES, EAST OF THE M181 AT BURRINGHAM ROAD

Introduction

nineteen47 is acting on behalf of our client Keepmoat Homes Ltd who have an interest in land at Lincolnshire Lakes, Scunthorpe. This Screening Request relates specifically to the Section 73 Application for a reduction to the permitted red line boundary of outline application ref: PA/2015/0396. This S73 application will be submitted concurrent with a Full Application for the area of land being removed from the red line, which has also been subject to EIA screening.

The two applications outlined above are together intended to facilitate the delivery of the previously permitted development based on the same quantum of development as originally intended in the outline permission i.e. up to 2,500 dwellings as well as a village centre, a health care facility, community facilities, a 3 form of entry primary school, new roads and footpaths, informal areas of open space, play spaces and new wildlife habitats, water bodies and wetlands.

In accordance with Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('the 2017 Regulations'), we request a Screening Opinion confirming whether the proposals to remove the land via a Section 73 represents Environmental Impact Assessment (EIA) development.

The site area to be removed is approximately 24.86 Hectares.

The outline permission, granted in August 2021 was classed as EIA development and subject to an Environmental Statement. The delivery of the amended outline scheme excluding the land to the east will remain supported by highways and infrastructure works covered by permissions ref: PA/2015/0628 and PA/2015/0627, which were granted in August 2021 alongside the Outline Permission.

The Lincolnshire Lakes Area Action Plan (AAP) comprises proposals for major development based around the creation of six new sustainable villages, including the provision of up to 6,000 new homes,

commercial development, new infrastructure and public spaces, focussed around a manmade waterside environment. The proposals associated with the Full and Section 73 Applications form part of the Council's Housing provision within the adopted Core Strategy (June 2011) and have therefore been subject to a sustainability appraisal and assessment of appropriateness.

Relevant Legislation

Planning Practice Guidance (PPG) explains that:

"The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process" (para: 002 Reference ID: 4-002-20140306).

PPG para: 017 Ref ID: 4-017-20170728 states that 'screening' is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project.

The local planning authority (or the Secretary of State as the case may be) should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations:

- if it is listed in Schedule 1 an Environmental Impact Assessment is required in every case;
- if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

Section 2(1) of the EIA Regulations 2017 defines Schedule 1 and Schedule 2 development as follows:

"Schedule 1 development" means development, other than exempt development, of a description mentioned in Schedule 1;

Schedule 1 at Regulation 2(1) goes on to list 23 categories of development, including nuclear power stations, construction of motorways, quarries and other types of development.

***"Schedule 2 development" means development, other than exempt development, of a description mentioned in column 1 of the table in Schedule 2 where—
(a) any part of that development is to be carried out in a sensitive area; or
(b) any applicable threshold or criterion in the corresponding part of column 2 of that table is respectively exceeded or met in relation to that development;***

The proposed development does not fall within the definition of any development listed in Schedule 1. Furthermore, the Site does not fall within a 'sensitive area' as defined in Section 2(1). The scheme does however fall within the definition of Schedule 2 development under category 10(b) 'Urban Development Projects' and would exceed the applicable Exclusion Thresholds and Criteria under 10(b)(ii) as the application proposes more than 150 dwellings, as well as exceeding 10(b)(iii) as the Site exceeds 5 hectares.

Where a proposed development exceeds the aforementioned Exclusion Thresholds and Criteria, the local planning authority must establish the likelihood that the development will result in significant

environmental effects and therefore require an EIA, taking account of the selection criteria in Schedule 3 of the EIA Regs, including in terms of the following:

- a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- b) the nature of the impact;
- c) the transboundary nature of the impact;
- d) the intensity and complexity of the impact;
- e) the probability of the impact;
- f) the expected onset, duration, frequency and reversibility of the impact;
- g) the cumulation of the impact with the impact of other existing and/or approved development;
- h) the possibility of effectively reducing the impact.

To aid local planning authorities in determining whether a development is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced ["Indicative Screening Thresholds"], which give an indication of the types of impact that are most likely to be significant for particular types of development, as referenced in the Planning Practice Guidance ["the PPG"] at Paragraph: 058 Reference ID: 4-058-20150326. For Category 10(b) Urban Development Project developments, the Indicative Screening Thresholds are as follows:

- (i) area of the scheme is more than 5 hectares; or
- (ii) it would provide a total of more than 10,000 m² of new commercial floorspace; or
- (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

As the site is more than 5 hectares in size, the key issues to consider as highlighted in column 4 of the Indicative Screening Thresholds, are the physical scale of such developments, potential increase in traffic, emissions and noise.

PPG guidance additionally states:

It should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits. (Para: 018 Ref ID: 4-018-20170728)

The Outline Application to which this Section 73 relates, has already undertaken the process of EIA and an Environmental Statement was submitted alongside the application. This Section 73 in combination with the Full Application represents no material change to what has been previously granted and all environmental matters have been considered already through the Environmental Statement. It is therefore, not necessary to undertake this process again.

Supporting Information

In accordance with Regulation 6(2) when considering requests for screening opinions of the relevant planning authority, we have provided the following information:

- (a) a plan sufficient to identify the land,

A plan showing the location and extent of the site in question has been included (ref: Outline Application Boundary 101/2022/002)

- (b) *a description of the development, including in particular—*
- (i) *a description of the physical characteristics of the development and, where relevant, of demolition works;*

The proposed Section 73 excludes land previously incorporated in the outline scheme and this land will be subject to a separate full application for residential use. The development is being brought forward to reflect the intentions of the Area Action Plan with dwellings are set in the context of a network of green infrastructure links leading through to the lakeside waterfront area. Public open space areas are included within the development as well as a series of SUDs features, including swales.

- (ii) *a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;*

The area is located on the western edge of the Scunthorpe urban area. Within this urban area is an Asda Superstore, Subway, Public House and Petrol Station. Scunthorpe town centre is approximately 4km northeast of the Site. Within the broader region, Doncaster, Sheffield and Leeds are accessible via the M180 motorway network to the south. A Primary School and Police Station sits within a 1.5 km radius of the site. Immediately to the east of the site is Carisbrooke Manor Lane, which serves several properties including Carisbrooke Manor, an assisted living provider for older persons and two private residential properties.

The site to be removed from the outline permission comprises two agricultural fields divided by a low-level field boundary from east to west across the centre of the Site. The area falls within Flood Zone 3 as shown on the Environment Agency's Flood Map, however extensive remodelling has been assessed as part of the Lincolnshire Lakes Area Action Plan and extant outline permission for the Site.

The Lincolnshire Lakes area has been deemed in consultation responses on the Outline Permission to be unlikely to have any significant effect on the Humber Estuary, SAC, SPA or Ramsar Site, or any other Natura 2000 site.

- (c) *a description of the aspects of the environment likely to be significantly affected by the development;*

Landscape and Visual

Chapter 9 of the Environmental Statement submitted with the Outline Application for the wider site considers the impact of the proposal on the surrounding landscape. The application site sits within National Character Area 39 - Humberhead Levels, whilst it borders National Character Area 45 – Lincolnshire Edge, which lies to the east. The area itself is predominantly agricultural with strong field boundaries defined by mature hedgerows, trees and watercourses. Bridges over the M181 and electricity pylons are visible and from the east, views are somewhat restricted due to the flat nature of the area with the dominant view being towards the Lincolnshire Edge to the east. Main views into the area are from the Lincolnshire Edge in Scunthorpe to the east, Burringham to the west, the M180 motorway to the south, and the M181 and Burringham Road to the south.

A landscaping scheme will be prepared at reserved matters stage to filter and soften views of the built form and assist in assimilating the proposed development into the landscape. The Landscape and Visual Assessment contained within the Environmental Statement associated with the outline concludes that the most significant landscape and visual effects are likely at year zero of the development, however, by year 2.5 it is anticipated that the landscape proposals associated with the Proposed Development will have matured and they will form a rich and attractive landscape setting and will screen built form. This will enhance the quality and character of views compared with the current baseline of large-scale arable farmland. As such, it is considered that the proposed development area will not result in any unacceptable long-term landscape and visual effects and this remains the case with the alteration of the red line boundary.

Heritage and Archaeology

As part of the Outline Application process, an assessment of the Impact on Listed Buildings was prepared and consulted upon. The Conservation Officer confirmed there is no objection to the proposed outline scheme and there would be no adverse impact on the setting of the Listed Buildings within the vicinity of the site. This concurs with the Environmental Statement which establishes that there are no key views from Listed Buildings/Structures. The possibility of long-distance views from Keadby Bridge have been referenced, however, there is a railway bridge and road bridge which truncates any views. Similarly, Burringham Church, situated on the edge of Burringham Village has views across open farmland to the east. The site is not discernible within these views, but it is part of the wide agricultural landscape.

Any submissions associated with the land to be excluded from the outline permission will include a Written Scheme of Investigation for the archaeological and paleo-archaeological works to be undertaken.

Traffic and Transport

There are potential significant effects resulting from the traffic generated as a result of this proposal. These effects have been considered within the Environmental Statement submitted with the outline application.

The Outline Application was accompanied by a Transport Assessment which clearly considered the impact of the development upon the existing and proposed highway networks in terms of traffic generated by the proposed development. It concluded that improvement works are required relating to improvements to Burringham Road and its junction with Scotter Road. The junction arrangement has approval via application reference PA/2015/0627 and has funding in place for its delivery from National Highways. This will be delivered in order to support the proposed development. Trigger points were established for the contributions towards these improvements.

The full application submission on the site excluded from the outline application red line boundary via a Section 73 application will be supported by an updated Transport Assessment and Travel Plan. The assessment will consider pedestrian routes, cycle ways, public transport and private vehicle movements. It will consider local junctions, and include capacity checks where required, all in the context of the existing permission for highway works to serve the site.

Air Quality

The key air quality issues for consideration are the potential for air quality impacts to occur both during the construction and operation phases of the proposed development. An Air Quality Note was prepared in support of the Outline Application, which concluded that suitable mitigation could be achieved both on and off site. This mitigation remains the case with the reduced site area. The area between the M181 and closest adjacent properties on the Lincolnshire Lakes development site can be separated by a 5-10metre planted embankment. In order to provide mitigation against increased road traffic emissions generated by the proposed Lincolnshire Lakes development, a framework Travel Plan was also produced in support of the Outline Application. The aim of the Travel Plan is to reduce vehicle trips and encourage sustainable travel. There are several measures and initiatives set out in the Travel Plan that have the potential to reduce emissions and therefore reduce the potential detriment to local air quality.

An Air Quality Assessment will be submitted with the application associated with the excluded land which will identify suitable mitigation measures that should be applied both during the construction and operational phases of the proposed development. No objection was received from environmental health during the outline application process and a recommendation for the Council to monitor air quality was recommended as a mitigation measure.

Agriculture and Soils

Agricultural land quality, soil resources and agricultural holdings have the potential to be directly affected by the proposed development.

The most significant effects anticipated from the construction of the proposed development are the loss of versatile agricultural land. Measures to mitigate harm to the soil resource during construction include the maintenance of the soil quality and reuse or disposal of soil resources in a sustainable manner. No effects on agriculture are anticipated during the operations phase of the proposed development.

Once the development is completed, there will be no significant effects on agricultural land quality, soil resources or agricultural holdings and this remains the case with the reduced red line boundary via a Section 73.

Noise

The Environmental Statement prepared in support of the Outline Application concluded that the additional traffic generated by the entirety of the 2,500 unit scheme would have a negligible effect with impact on the junction arrangements on Burringham Road to have a moderate effect on some properties.

The Environmental Statement for the Outline Application considers that construction works have the potential to cause disturbance, but these impacts can be appropriately mitigated against. Given the significant distances between the development site and sensitive noise receptors the impact of the development in respect of construction noise is likely to be of negligible significance and this will remain unchanged with the removal of the land to the east from the application site. A CEMP will be submitted in support of the concurrent full application to set out the works and method by which mitigation measures and monitoring will be carried out on the land to the east. A Noise Impact Assessment will be submitted in support of the proposed development to demonstrate that appropriate noise mitigation can be achieved across the sites.

Hydrology, water resources and flooding

The application site, whilst in an area at risk of flooding, forms part of the Lincolnshire Lakes Strategic Development Site allocated in the Core Strategy and as part of the process to prepare a SFRA for the AAP, a sequential test was undertaken and passed, demonstrating that housing development is acceptable within the site. As detailed in the Committee Report for the Outline Application, the application site forms part of the Lincolnshire Lakes Strategic Development Site allocated in the Core Strategy which was accompanied by a Sequential Test. As part of the process, an Exceptions Test was also carried out which demonstrated that the proposal provides wider sustainability benefits to the community that outweighs flood risk, provided a Flood Risk Assessment demonstrates the development will be safe for its lifetime.

The FRA submitted in support of the Outline Application proposed land raising to the critical flood level identified by the modelling works to appropriately mitigate against flood risk, and this approach is to be reflected in any Flood Risk Assessments prepared for Lincolnshire Lakes applications being submitted.

Ground conditions

The Environmental Statement submitted with the Outline Application discusses a range of potential issues in relation to stability and contamination due to previous uses and potential ground gases. Subsequently, a number of trial pits were dug to explore the ground conditions and underlying geology. No groundwater strikes occurred but groundwater seepage was noted. The land has been mostly undeveloped and therefore it is considered unlikely that there are any significant amounts of contamination. As conditioned on the Outline Application, further detailed work is anticipated to establish ground conditions and methods of remediation where necessary through an updated site investigation report, and Phase 1 and Phase 2 Studies will be submitted with the concurrent application on the land to be removed from the outline application.

- (d) *to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from—*
- (i) *the expected residues and emissions and the production of waste, where relevant; and*
 - (ii) *the use of natural resources, in particular soil, land, water and biodiversity;*

Regarding waste during the construction phase, there will be a high percentage of material that will be retained on site for re-use, particularly with the creation of lakes and re-profiling of the land. The proposed construction strategy seeks to minimise waste generation and the preparation of a CEMP and associated waste monitoring will form part of future application submissions to mitigate any effects.

In terms of biodiversity, the Outline Application was supported by a full suite of ecological surveys. As part of proposed detailed schemes, updated surveys have been undertaken and an updated report will be provided in support of future applications based on these surveys. The ecological mitigation and biodiversity strategy forms part of the mitigation proposed during the Outline Application which has been concluded and the proposed development with appropriate mitigation would meet the requirements of local and national policies in relation to biodiversity.

- (e) *such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.*

It is our considered opinion that the proposed development does not constitute EIA development for the following reasons:

- The Section 73 application is for amendments to the red line to reduce the area of land associated with the Outline Application. Concurrently, a full application for the land removed will be submitted and therefore, there will be no change to the quantum of development.
- The Outline Application included a full Environmental Statement, which the council accepted and subsequently approved the development;
- The development does not give rise to environmental issues of significance;
- The proposal is not located within or close to an environmentally sensitive area, such as a SSSI or SBI, and the ecological mitigation measures as proposed by condition of the outline permission are being adhered to in concurrent submissions;
- The application is part of a wider Lincolnshire Lakes Area Action Plan which has been through a Sequential Test on Flood Risk and is allocated for development in the Local Plan; and
- Mitigation measures relating to landscape, archaeology, transport, air quality, contamination, noise, ground conditions and ecology have all been recommended through the Outline Application and will be addressed in the concurrent Full Planning Application, which will be supported with a series of updated reports and surveys.

Considering the selection criteria for screening, our view is that the proposal does not require Environmental Statement. It is also worthwhile drawing your attention to Regulation 5(4) Schedule 3, which sets out the selection criteria for screening schedule 2 development. These are assessed below:

Characteristics of development

1. *The characteristics of development must be considered with particular regard to—*

- (a) *the size and design of the whole development;*

The site area comprises of 46.044 ha for up to 2,500 dwellings.

- (b) *cumulation with other existing development and/or approved development;*

The outline application referenced above incorporates land for up to 2,500 dwellings including a village centre, health care facility, community facilities, 3 form entry primary school, new roads and footpaths, public open space, new wildlife habitats, water bodies and wetlands. The land excluded from the outline application area will be submitted under a concurrent Full Application for 599 dwellings which was the quantum of development anticipated for the site under the outline also. Therefore, the Section 73 application represents no material change to the quantum of development at Lincolnshire Lakes.

- (c) *the use of natural resources, in particular land, soil, water and biodiversity;*

This is covered above under Supporting Information (Regulation 6(2)(d)).

(d) *the production of waste;*

Regarding waste during the construction phase, there will be a high percentage of material that will be retained on site for re-use during the reprofiling of land. It is yet to be confirmed how much operational waste would be produced per annum, however it is considered that it would be comparable with a residential scheme of a similar scale.

(e) *pollution and nuisances;*

This is covered above under Supporting Information (Regulation 6(2)(d)).

(f) *the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;*

The risk of major accidents in respect of this development is unlikely.

(g) *the risks to human health (for example, due to water contamination or air pollution).*

This is covered above under Supporting Information (Regulation 6(2)(d)).

Location of development

2. - (1) *The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—*

(a) *the existing and approved land use;*

The existing use of the land is agricultural.

(b) *the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;*

The proposed development does have the potential to provide for open space and biodiversity improvements; however once developed the regenerative capacity of natural resources will be lower.

(c) *the absorption capacity of the natural environment, paying particular attention to the following areas—*

(i) *wetlands, riparian areas, river mouths;*

(ii) *coastal zones and the marine environment;*

(iii) *mountain and forest areas;*

(iv) *nature reserves and parks;*

(v) *European sites and other areas classified or protected under national legislation;*

(vi) *areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;*

(vii) *densely populated areas;*

(viii) *landscapes and sites of historical, cultural or archaeological significance.*

Regarding (i) to (vii) it is not considered that any of these areas will be affected. Regarding viii, a Written Scheme of Investigation for the Archaeological and Palaeo-Archaeological works is being prepared for the application submission on the land to be excluded from the outline application.

Types and characteristics of the potential impact

3. *The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—*
 - (a) *the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);*
 - (b) *the nature of the impact;*
 - (c) *the transboundary nature of the impact;*
 - (d) *the intensity and complexity of the impact;*
 - (e) *the probability of the impact;*
 - (f) *the expected onset, duration, frequency and reversibility of the impact;*
 - (g) *the cumulation of the impact with the impact of other existing and/or approved development;*
 - (h) *the possibility of effectively reducing the impact.*

The area will comprise new housing which will be designed to respond appropriately to the landscape setting and complement the existing environment. Densities across the area will be reflect the objectives of the AAP, and future Design and Access Statements submitted in support of phased applications will confirm the design decisions influencing the final scheme design. The potential effects of the development as described above, will be fully assessed in the supporting technical documents for each detailed application, which will be an update of the submitted documents in support of the Outline Application.

The impact of development has already been assessed through the submission of an Environmental Statement as part of the Outline Application. The mitigation measures proposed have informed various conditions attached to the Outline Application. The Section 73 is for the removal of a parcel of land associated with the Outline Application and we anticipate similar controls on the grant of the Section 73 application if these proposals are approved, to effectively limit any impact. As such, it is not considered that there will be any residual significant environmental effects.

The proposed development represents a major residential development, on a site comprising approximately 46.044 ha. The strategic site, has been allocated in the local plan and an EIA has already been undertaken to identify the key impacts on the environment.

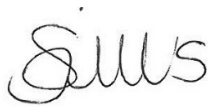
Conclusion

Overall, it is considered that whilst the proposed development falls within the definition of Schedule 2 development, the proposals should be considered on their own merits. The site does not fall within the list of 'environmentally sensitive locations' and it is not considered that the development of the site will give rise to significant environmental effects (either individually or cumulatively) on the environment. As the Outline Application for the wider site constituted EIA development, and was the subject of a full Environmental Statement, it is not considered necessary to repeat this work for this smaller portion of the site, as the LPA is in full knowledge of the likely significant effects and can therefore take these into account in the decision making process.

In this respect, we conclude that the Section 73 to reduce the red line boundary for the Outline Application at Lincolnshire Lakes does not comprise EIA development for the purposes of the EIA Regulations 2017 and the forthcoming Section 73 application need not be accompanied by an Environmental Statement.

We would be grateful for your formal consideration of whether an EIA is required in respect of the proposed amendment and look forward to further correspondence within the statutory three week period. We consider the information referred to above is sufficient to enable you to provide your Screening Opinion, though, should you require further details or clarification then please do not hesitate to contact us.

Yours sincerely,



Sarah Wills
Associate Director

Sarah.Wills@nineteen47.co.uk