ROCHDALE BOROUGH COUNCIL

Town and Country Planning Act 1990

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING OPINION

APPLICATION REFERENCE: 21/00378/SO

Name and address for correspondence:	Applicant name:
Barton Wilmore 7 Soho Square London W1D 3QB	Barton Wilmore

Part I - Particulars of Application

Date of Application: 12 March 2021

Proposal:	**Screening opinion in relation to proposed residential development of 174 dwellings**
Location:	**Land At Hollingworth Road**

Part II - Particulars of decision

The proposed development does not fall within Schedule 1 of the above regulations.

The proposed development falls within the description of paragraph 10(b) of Schedule 2 of the above regulations.

The proposed development would not be located in a sensitive area and having taken into account the criteria in Schedule 3 of the regulations, would not be likely to have significant effect on the environment by virtue of factors such as its nature, size and location.

The proposed development for which planning permission is sought is not EIA development and an Environmental Statement would not be required for the proposed development.

Date Decision Issued 13 April 2021

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Authorised Officer

INFORMATIVE
This decision should be read in conjunction with the attached statement of reasons which clarify the Council's decision in this particular case.

STATEMENT OF REASONS

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINION OF ROCHDALE BOROUGH COUNCIL IN RESPECT OF PROPOSED RESIDENTIAL DEVELOPMENT OF 174 DWELLINGS ON LAND AT HOLLINGWORTH ROAD, LITTLEBOROUGH

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Regulations), "EIA development" means development which is either Schedule 1 development or Schedule 2 development that is likely to have significant effects on the environment by reason of factors such as its nature, size or location.

The proposed development falls within the description at Part 10(b) 'Infrastructure Projects' of Schedule 2 of the Regulations:

b. Urban development projects where the development includes more than 1 hectare of urban development which is not dwellinghouse development, or includes more than 150 dwellings or the overall area of the development exceeds 5 hectares.

Therefore, the LPA considers the proposal to be 'Schedule 2 development' within the meaning of the Regulations. The Planning Practice Guidance (PPG) sets out that if a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority (LPA) to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment (EIA) is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

The PPG defines sensitive areas as:

- Sites of Special Scientific Interest and European sites
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

As the proposed development is for more than 150 dwellings and the overall area of the development exceeds 5 hectares it is considered to be Schedule 2 development that needs to be screened against the criteria listed in Schedule 3. The site also adjoins a sensitive area including Rochdale Canal which is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

Developers are encouraged to identify any features of their proposed development and any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment and to include these with the information required to inform the screening decision. The extent to which mitigation or other measures may be taken into account in reaching a screening opinion depends on the facts of each case.

The PPG goes on to stipulate that whilst it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary.

To aid LPA's in determining whether a project is likely to have significant environmental effects, a table ('the table') which provides a set of indicative thresholds and criteria has been produced. The table also gives an indication of the types of impact that are most likely to be significant for particular types of development.

The indicative thresholds and criteria set out that an EIA is unlikely to be required for the redevelopment of land unless the new development is of a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.

Sites which have not previously been intensively developed in areas, are also unlikely to require an EIA unless:

(i) The scheme is more than 5 hectares; or
(ii) It would provide a total of more than 10,000sqm 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 1000 dwellings).

The PPG states that it should not be presumed that development above the indicative thresholds should always be subject to assessment and that each development needs to be considered on its merits. The key issues to consider are listed in the table as the physical scale of such developments, potential increase in traffic, emissions and noise. These factors along with Schedule 3 of the Regulation's selection criteria for screening Schedule 2 development, are considered below:

Characteristics of development

(a) The size and design of the whole development

The proposed development comprises 174 dwellings together with associated ground works, access and landscaping on approximately 7.8 hectares of land. The site is located on the former Akzo Nobel Chemical Works located off Hollingworth Road (B6255) and to the south of the Rochdale Canal. Until 2004 the site had been occupied by Akzo Nobel, which processed chemicals for use in fabric softeners. Since this time the buildings on the site have been demolished and the site subsequently remediated to an approved validated specification (Ref: 06/D48466).

Whilst the site was previously developed, a number of years has passed since its remediation and parts of the site would now be considered 'greenfield' as per the NPPF definition. There is however, an existing implemented planning approval on the site for the erection of 174 residential dwellings (Ref: 11/D55085) confirmed by a Certificate of lawfulness application (Ref: 18/00341/CPE).

The quantity of the proposed development will be similar to this extant planning permission for 174 dwellings which provided units up to 2.5 storeys. The development site will take its vehicular access from Hollingworth Road and will also have pedestrian and cycle links to public rights of ways and other footpaths adjoining the site. The southern portion of the site that lies within the Green Belt is to be left undeveloped except for the provision of an equipped children's play area.

(b) Cumulation with other existing development and/or approved development.

There is an existing implemented planning approval on the site for the erection of 174 residential dwellings (Ref: 11/D55085) confirmed by a Certificate of lawfulness application (Ref: 18/00341/CPE). There is a committed development for 100 dwellings on Land off New Road, circa 200m to the north of the site (20/00607/FUL).

The cumulative impacts of the proposed development and the committed development would not give rise to significant effects on the environment.

(c) The use of natural resources, in particular land, soil, water and biodiversity

It is not envisaged that there would be a significant use of natural resources in either the construction or operation of the proposed development. Nonetheless, the Applicant has confirmed that the construction and operational phases of the development will be controlled through a Construction Environmental Management Plan (CEMP) and a Construction Traffic Management Plan (CTMP). An Energy Statement will be submitted with the planning application and it is intended to make carbon emissions savings of 20% or 31% depending on the outcome of the Part L Consultation with Building Regulations, primarily through a fabric first approach, although additional measures may be required for the larger sized dwellings in order to achieve the necessary standards. The extant planning permission considered the use of natural resources and in consultation with relevant statutory consultees confirmed that measures can be controlled via planning conditions.

With these measures in place it is not considered that the proposal would result in the use of any natural resources that are considered to be in short supply.

The proposed development is located within/partly within or has the potential for adverse effects on the following designated nature conservation sites or designated landscapes including Rochdale Canal designated a SAC, SSSI and a Site of Biological Importance (SBI). Hollingworth Lake which is a Grade A SBI is also situated in close proximity of the site. The South Pennine Moors (SAC/SSSI) and South Pennines Moors Phase 2 Special Protection Area (SPA) are also within 1.5km of the site.

Natural England's advice, on the basis of the Screening Request, is that there are potential likely significant effects on the statutorily designated nature conservation sites or landscapes and further assessment is required. Natural England has not assessed the significance of any impacts on these designated sites or landscapes but advise that it is for the LPA to consider whether an EIA is required. If an EIA is deemed not necessary, Natural England advises that sufficient information on the potential impacts of this proposal upon the designated sites/area is submitted with any subsequent planning application.

Greater Manchester Ecology Unit (GMEU) has been consulted and has confirmed that a new Habitats Regulations Assessment (HRA) will be required for the site as it lies directly adjacent to the Rochdale Canal SAC, which also supports the European Protected Species floating water plantain (Luronium natans). Therefore sufficient information must be submitted with any application to allow the council to undertake the HRA. This information should include full ecological surveys for floating water plantain, shading plans, drainage plans (particularly as it is planned to drain surface water into the SAC), an outline construction method statement and details of how the boundary with the canal will be treated. Given the nature of the site a full ecological report will be required, such as an Ecological Impact Assessment (EcIA), with the results of all required ecological surveys included.

An EcIA, together with a section on mitigation measures should be submitted with the application to specifically address protected and priority species, and confirming net gain for biodiversity, enabling the council to have regard to its statutory obligations in relation to protected and priority species.

A HRA was undertaken for the extant permission, which concluded that the development, if implemented in accordance with conditions, would not cause an adverse effect on the integrity of the SAC. As such it is not considered that the proposal would be likely to result in such an impact as to require an EIA.

(d) The production of waste

Waste arising from the construction stage will be dealt with and disposed via a CEMP and site waste management plan which would be required via a planning condition. These would identify opportunities for waste minimisation, segregation and the transfer to appropriate processing facilities.

Operational waste will be produced by end users however this would be domestic and not considered to be unusual or hazardous. It is therefore not considered that waste and waste management is a matter that is required to be assessed through an EIA.

(e) Pollution and nuisances

A CEMP and CTMP, along with a number of technical studies including a Transport Assessment, Noise Impact Assessment, Ecological Survey, Contaminated Land Risk Assessment, Coal Mining Risk Assessment, Surface Water Drainage Strategy and Flood Risk Assessment (FRA) would be required to demonstrate that there would be limited pollution, noise, disturbance and nuisance associated with the proposed development in relation to the SBI, SSSI and SAC. The site is located in Flood Zone 1 in the Environment Agency's Flood Maps. Given its Flood Zone 1 status it is considered that mitigation measures through the submission of a drainage plan, hydrological assessment, Flood Risk Assessment and appropriately worded planning conditions could ensure that no significant level of flood risk pollution and nuisance will be created.

(f) The risk of major accidents and or disasters relevant to the development concerned; and
(g) The risk to human health

The site was previously contaminated as a result of the past industrial uses, but has now been remediated. A conduit crosses the site from south to north supplying water from the nearby Hollingworth Lake to the canal. The Canal and River Trust has confirmed that this will need to be carefully considered in any future development to ensure no adverse impact.

The bulk of the remediation work has been undertaken, and the proposed development if not likely to raise any significant environmental impact for the purpose of the EIA Regulations which would warrant the necessity for an Environmental Statement over and above the submission of the information normally submitted for a proposed development of this kind. The nature of the development will not cause a significant risk to human health once completed and occupied.

The application site is also located in the defined Coal Mining Development High Risk Area and the Coal Authority records indicate the presence of two recorded mine entries (shafts) within the development site. The Coal Authority has confirmed that as part of any formal application, the Applicant will need to submit an up to date Coal Mining Risk Assessment, or equivalent report for the site, which considers in detail the risks posed to the development by the significant coal mining legacy within the site. As a minimum, the report will need to confirm the location/condition of the on-site mine entries, together with their resultant zone of influence in order to inform the detailed layout of the proposed scheme and to ensure adequate separation between buildings and the mine entries. In exceptional circumstances where building over or within the influencing distance of a mine entry is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. The Applicant may seek to

undertake further intrusive investigations to establish and address the risk that the coal mining legacy presents to the development.

An Air Quality Assessment will be required to accompany a full planning application, which will be expected to cover the construction and operational phases of the development in line with IAQM guidance. This should consider NO2 and particulate impacts on nearby sensitive receptors i.e. existing residential areas, schools, health facilities and sensitive ecological sites. If any of these are not required this should be demonstrated through the scoping process that is part of the Air Quality Assessment. The final development will also be expected to incorporate electric charging points.

The Rochdale Canal bordering the site runs in a principle cutting (cutting 36) where there is the potential for development to have an adverse impact on land stability through, for example, increased loading from the development or stockpiling of materials, plant etc and vibrations from piling or other use during construction works. The Canal and Riverside Trust request cross sections of the site and any proposed development relevant to the canal submitted as part of any future planning application to enable it to assess potential impacts on the stability of the cutting. Details of any foundations and piling works in proximity to the cutting will be necessary. It is understood that the cutting is made up of sections of masonry and brick retaining walls and the applicant should consider how this is to be addressed in terms of its repair and incorporation into the development together with responsibility for any future liabilities. Open space and communal areas along the crest of the cutting would help to reduce the risk of development impacting on land stability whilst meeting design cues which integrates public realm with the waterway, towpath and opens up access to the waterway.

The Council's Highways Section has also not raised any highway safety concerns subject to a number of measures. These include the submission of a Transport Assessment and a Framework Travel Plan and the provision of multiple access points to the site to ensure the site meets the requirements of the Emergency Services. The proposed scheme includes the same number of residential units as the extant planning permission and therefore its traffic generation will be similar.

These factors, in addition to the reasons provided in the pollution and nuisance section of this report are considered to ensure that that there would not be no more than a low risk of accidents, disasters, or to human health.

Location of development

(a) The existing land use

The site is previously developed land which has been cleared of all its former buildings and remediated in accordance with outline planning permission 07/D49551 and its associated land remediation strategy. A number of years has passed since its remediation and the site has now 'greened over' and would be considered greenfield.

(b) The relative abundance, quality and regenerative capacity of natural resources in the area.

There are no known natural resources on the site that can be extracted. As such the site is not environmentally sensitive when having regard to natural resources.

(c) The absorption capacity of the natural environment.

It is not considered that the development would likely impact upon, coastal zones, mountain or forest areas, nature reserves or densely population areas. There are no listed buildings located on the site itself and it is not designated as a conservation area.

Greater Manchester Archaeological Advisory Service (GMAAS) has been consulted. Given the remediation works that took place across the former Akzo Nobel works on this site in 2008 and having checked against their records, GMAAS are satisfied that the proposed development does not threaten any known or suspected archaeological heritage. On this basis GMAAS conclude that there is no archaeological reason to seek to impose any archaeological assessment requirements upon the applicant, either within an EIA or as a stand-alone assessment.

As previously noted, there are two European/Nationally designated sites within 10km of the site. The Rochdale Canal SAC and SSSI are immediately adjacent the north of the site. The South Pennine Moors SAC/SSSI and South Pennine Moors Phase 2 SPA is 1.5km east of the site. The GMEU consider a HRA and EcIA is sufficient to address ecological matters.

Taking all of the above circumstances into account, it is not considered that the proposal would have any significant impacts on the environment by virtue of its scale, nature or location. The development is not EIA development and the planning application will not need to be accompanied by an Environmental Statement.

Types and characteristics of the potential impact

(a) The magnitude and spatial extent of the impact
(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

Given the location of the site no transboundary impact is expected, the magnitude, spatial extent, intensity and complexity of the majority of the impacts would be limited and would be confined to the local area.

The nature of the impact is considered to mainly relate to air quality, ecology and nature conservation, ground conditions and land stability, flood risk and drainage, landscape and visual impact, transport and accessibility, and noise. The majority of these are not considered to be unusual impacts and a suite of supporting technical information is required to be submitted with the planning application to demonstrate that any potential harm can be effectively reduced and mitigated.

Furthermore, it is not considered that other existing or the previously noted consented schemes within the immediate surrounding area would result in cumulative harm if delivered alongside the proposed development. The cumulative impact of this development would therefore not necessitate an EIA.

The probability of the impact is therefore predictable, localised, would be for a relatively limited period of time and can be effectively reduced and mitigated.

Physical scale of such developments

The proposed housing would inevitably have an urbanising effect on this area of land. However there are a number of urban influences in the vicinity of the site. Whilst the area of the site is more than 5 hectares, it would not include commercial floorspace, and the amount of housing would fall below the indicative threshold of 1000 dwellings and is therefore not considered to be of a significant physical scale or

to have a significant urbanising effect in its context. There would also be sufficient space within the site to apply soft landscaping as visual buffers.

Potential increase in traffic

The potential increase in traffic has already been covered in the 'Characteristics of development' section of this report. The primary vehicular access to the site would be via an existing point off Hollingworth Road and secondary access created further along. The proposed scheme will deliver the same level of residential units to the extant planning permission and therefore its traffic generation will be at similar levels and lower than levels associated with the site's historical use. The Council's Highway Section and Transport for Greater Manchester have been consulted, and whilst they have not responded to the Screening Request, an earlier pre-application confirmed no objections subject to the submission of a Transport Assessment and Framework Travel Plan.

Emissions and noise

Air quality and noise have already been covered in the 'Characteristics of development' section of this report. It is considered that mitigation measures could be set out in an Air Quality Assessment and a Noise Impact Assessment to overcome any significant impact. The Council's Public Protection Section has been consulted and has confirmed in an earlier pre-application that they would have no objections to the scheme subject to certain internal and external noise criteria being met. On the basis of this information it is considered that the mitigation measures could ensure that no undue level of noise and disturbance to any future occupiers of the development would occur.

Conclusion

The PPG advises that only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. Screening Opinions are not planning applications and by their very nature there will always be some degree of uncertainty. However, based on the information provided, and statutory consultee's responses, the LPA is satisfied that assessment of the proposal against the screening criteria in Schedule 3 of the Regulations does not suggest that this proposal is likely to give rise to significant effects on the environment. For the reasons provided above it is also not considered that significant effects are likely to be caused by the proposal's physical scale, the potential increase in traffic and emissions and noise.

Therefore, Rochdale Borough Council does not consider that the proposed development comprises EIA development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.