

APPLICATION NO.	CASE OFFICER	DATE
24/00329/SCO	Ryan Killeen	7th October 2024

Address: Land North And East Of Stakehill Industrial Estate, Middleton

Proposal: Request for scoping opinion in respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings

STATEMENT OF REASONS

To be read in conjunction with Decision Notice

Regulations context

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) allows scope for an applicant to request a formal opinion from the Local Planning Authority about whether a proposed development requires an Environmental Impact Assessment (EIA) and the scope of any Environmental Statement (ES) supporting an application for EIA development.

WSP [the Agent], acting on behalf of The Milne Trust [the Applicant], have requested a Scoping Opinion for the above Proposal at the Site.

The Scoping request has been submitted in advance of a potential planning application which would seek planning permission for the Development described above.

For the avoidance of doubt, the information submitted in support of this request by the Agent comprised the EIA Scoping Report ('RPT.001.EIA-SCO' dated: April 2024) only.

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Regulations), "EIA development" is 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 Development would not be Schedule 1 development.

With regards to Schedule 2, development of a type which 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 the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required.

The proposed development would be categorised as an urban development project that would exceed the applicable threshold and criteria in Part 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), on the basis that it would include more than 150 dwellings and also on the basis that the site area exceeds 5ha.

In addition 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. Sensitive areas are defined as: Sites of Special Scientific Interest [SSSI] and European sites; National Parks, the Broads and Areas of Outstanding Natural Beauty; and, World Heritage Sites and scheduled monuments.

The site of enquiry lies within 200m of the Rochdale Canal, which is a European protected ecological site designated as a Special Area of Conservation (SAC) and a nationally designated Site of Special Scientific Interest (SSSI) on the basis of its aquatic plant communities and in particular the presence of luronium natans, a European protected species of floating water plantain. It is also designated as a Site of Biological Interest (SBI). In accordance with the guidance, sites which are in, partly in or as in this case close to sensitive areas are more likely to have significant effects on the environment.

On the basis of the above factors and an initial assessment to consider potential significant environmental effects, the applicant has confirmed that the proposed development would comprise EIA development. The council would concur on this conclusion. Therefore in accordance with Regulation 15 of the EIA Regulations a request for a scoping opinion has been submitted to the LPA for it to consider the scope of the required ES and to clarify the relevant topics to be covered in order to assess any potentially significant environmental effects. .

Selection criteria

Characteristics of the development

The characteristics of development must be considered with particular regard to:

(a) The size and design of the whole development

The proposed development comprises up to 350 dwellings and 250,000 sqft of employment floor space, spread over a 25.29ha site. This significantly exceeds the indicative threshold of 5ha for sites which have not been previously intensively developed.

Whilst details of the proposals are limited at this stage, an indicative masterplan has been shared with the Council as part of informal pre-application engagement. This material supports the reasonable assumption that the development will include: access from Bentley Avenue and Finlan Road (for the residential and employment development respectively), with other pedestrian and cycle links; areas of on-site public opens space; landscaping; and, other associated works.

Given the extensive size and previously undeveloped nature of the site, the whole development may give rise to relevant impacts.

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

The submitted Scoping Report sets out that a long list of committed developments will be prepared for agreement with the LPA prior to refining this down to a shortlist of sites for confirmation. It then sets out the criteria for selecting and assessing these long list sites.

It is noted at 10.4.4 by the applicant that any development under construction that is expected to be completed before commencement of the construction phase of the proposed development will be excluded from the assessment. The justification for this is unclear and is not considered robust in all regards. Developments which will result in operational phase environmental impacts that have not been fully realised at the point of submission of an ES for the development proposed under this scoping request, should still be considered in assessing cumulative effects. It may be appropriate in such instances to exclude assessment of cumulative effects of the construction phases but additional information should support any future ES to clarify this.

The scoping report sets out that cumulative effects will be considered in each chapter but that it anticipated that road traffic and effects on landscape character are the most likely areas to see cumulative effects.

The report goes on at Table 10-1 to set out its initial longlist which comprises of only the existing planning application 23/00650/HYBR covering the northern area of the shared allocation JPA2. There is no commentary on the exclusion of other sites from this list. The council, alongside consultees, has considered other committed developments with the potential to have cumulative effects which could be environmentally significant. Additional information will be required in any supporting ES on these sites which may have cumulative effects to varying degrees in respect of different topic areas. The additional sites to be considered in this assessment are:

- ☐ The remainder of the JPA2 allocation, including land south of Hough Lane
- ☐ JPA18 – Castleton Sidings
- ☐ JPA23 – Trows Farm
- ☐ JPA1.1 – Northern Gateway

The assessment of these committed developments will only require a proportionate approach and where it can be demonstrated that any of the effects would not be environmentally significant in cumulation with the proposed development this can be set out in any additional information submitted.

In respect of the highways impacts of the development, the Transport Assessment will need to consider the potential cumulative impacts of development on the SRN. DfT Circular 01/2022 states that all 'relevant' developments should be considered, i.e. developments which are consented or allocated where there is a reasonable degree of certainty will progress to a planning application within the next 3 years, and assuming the full amount of development to be built.

On 21st March 2024 the Places for Everyone Joint Development Plan was adopted by all 9 local authorities covered by the Plan. The plan includes a number of allocations for development over the plan period of which this site falls within JPA.2 Stakehill. JPA.2 includes a 90ha site bound by the A627(M) to the east and M62 to the north, the application site and a further 65 ha to the south of Stakehill Business Park. In total, JPA.2 seeks to deliver 150,000 sqm (1.6m sqft) of employment floorspace and 1,680 dwellings. The Council are currently in receipt of a planning application for the development of the northern part of the allocation for 1,380 dwellings and a local centre including access, open space and ancillary works (ref. 23/00650/HYBR).

Other allocations within the plan within the vicinity of the site include JPA18 at Castleton Sidings 2km to the northwest, for which planning permission has been resolved to be granted by the Council's Planning and Licensing Committee for 191 dwellings (ref. 23/00431/HYBR) and JPA23 at Trows Farm 1.6km north, for the development of up to 550 dwellings. The Council is currently in receipt of a planning application for 495 dwellings ref. 22/01190/FUL.

JPA 1.1 relates to the development of 640ha of land across Bury and Rochdale authorities for 1.2m sqm (12.9m sqft) of industrial and warehousing floor space, 1,200 homes and appropriate supporting and ancillary services.

Given the adopted status of the plan, all allocations included are considered to be committed development..

The assessment should consider the impact of the allocation JPA2 as a whole on the Strategic Road Network at junctions along the A267(M); the A664/A627(M) Slattocks roundabout; A627(M)/A627(M) Spur junction (Slattocks Interchange); A627(M)/A663 Broadway/A627 Chadderton Way/Burnley Way junction (Chadderton roundabout); and M62 Junction 20.

(c) The use of natural resources

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, development would have to be carried out in accordance with Building Regulations and would be controlled via a planning condition for a Construction Environmental Management Plan [CEMP].

The site is adjacent to a 'sensitive area' which is the Rochdale Canal (designated as a Special Area of Conservation (SAC), Site of Biological Importance (SBI) and a Site of Special Scientific Interest (SSSI). Manchester Mosses SAC sits circa 25km southwest of the site; Natural England guidance on appropriate assessments considers that there are likely significant effects to the Manchester Mosses is that any development that result in more than 100 vehicle movements per day or 20 HGV per day along the M62 past the Holcroft Moss part of the SAC should be screened in.

Any trees removed to facilitate the development but would be subject to a policy requirement of replacement at a 2:1 ratio, in a way which is appropriate in terms of impact of nesting birds, to meet local and national policy requirements.

Existing on-site lakes encompass a relatively large element within the proposals and the treatment of such features is not clear, or any future function in respect of the drainage of the site.

Similarly, Whit Brook, is designated as a main river by the Environment Agency from the western boundary of the site, with its tributary also bisecting the site. At present it is unclear as to how this key ecological receptor is integrated into the development and whether any new site drainage is intended to be directed to the watercourse.

The proposed development has the potential to impact upon habitats and species through direct loss of features, including impact upon protected features and landscapes, as well as on birds. Additionally, the development may impact upon

water management as it relates to the canal SAC/SBI/SSSI, including through increased pressure from additional recreational use by residents.

(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. The applicant has confirmed that the application will be supported by a Waste Strategy.

Operational waste will be produced by end users however this predominantly would be domestic and not considered to be unusual or hazardous. Commercial waste from industrial/warehousing occupiers would be considered to be typical of such uses and would be dealt with via private waste collection as currently takes place on the adjacent Stakehill Business Park.

(e) Pollution and nuisances

Any planning application would be accompanied by a full assessment of the proposals with regard to traffic and transport, ecology, drainage and flood risk, noise, air quality and site conditions. The supporting reports would be required to demonstrate that any impacts can be mitigated through suitable and relevant strategies that can be required by condition of any planning permission. A CEMP would be required by condition. It is considered that these will demonstrate that mitigation measures through appropriately worded planning conditions would ensure that no significant level of pollution and nuisance will be created.

The site does not lie within an Air Quality Management Area but sits adjacent to the A627(M) which bounds the site to the east. Given the location of the development close to an AQMA, an Air Quality Assessment will be required as part of any application for planning permission to ensure that the potential impacts on air quality are satisfactorily addressed.

Acoustic impacts of the development relate to those on existing occupiers through the construction phase of development where a degree of disturbance would be expected, and suitably controlled through phasing and construction management plans, in addition to impacts during the operational phase of development, through increased vehicular traffic, although such impacts would be typical of a residential area. Impacts from HGV movements can be mitigated through appropriate design and layout.

During the operational phase of development, noise impacts to future occupiers relate to those arising from the adjacent strategic road network and industrial activities within Stakehill Business Park and those included within the southern part of the site boundary. The scoping report details the methodology for assessing acoustic impacts which could ensure that concerns are adequately addressed.

Whilst not located in a 'sensitive area', the site is also located near to the Rochdale Canal which is designated as a SAC, SBI and SSSI. As aforementioned, development which meets defined thresholds of traffic along the M62 past the Manchester Mosses SAC should be screened in.

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

The site forms part of a HSE exclusion zone however no development would fall within the zone and such measures, along with consultation with the Health and Safety Executive is considered appropriate to mitigate such risk.

The site falls exclusively within flood zone 1 and is therefore a site which is at the lowest risk of flooding. Environment Agency mapping indicates localised areas of surface water flooding, however the submission of a Flood Risk Assessment is considered appropriate to assess the risk of major accidents in this regard.

Any potential hazards during the construction phase are considered to be typical for a development of this nature and are able to be suitably dealt with through the submission of a Construction management Plan.

(g) The risk to human health

The nature of the development will not cause a significant risk to human health once completed and occupied. Best working practices are required to be carried out during construction to limit any risks to human health during the construction stage and will be secured as part of the CEMP.

The application site is located within the Coal Mining High Risk Area. Considering the nature of the development proposed, and on the basis that part of the site is within the defined Development High Risk Area, the planning application should be supported by a Coal Mining Risk Assessment.

The site's former uses are predominantly agricultural and it would not be therefore expected that the level of contamination on site would be to the extent that it could not be dealt with through the ordinary process of a desk-based assessment, intrusive investigation and remediation strategy to be implemented prior to occupation, whether being provided with the application or required via condition.

It is not anticipated that climate change would present any additional level of threat to human health as the site falls exclusively in flood zone 1, which places it in an area at the lowest risk of flooding. The Environment Agency long term flood risk map identifies localised areas at risk of surface water flooding however this matter is considered to be able to be satisfactorily addressed through the submission of a Flood Risk Assessment.

The site does not lie within an Air Quality Management Area but the site would likely lead to increased vehicle traffic along the A627(M). Given the location of the development close to an AQMA, an Air Quality Assessment will be required as part of any application for planning permission to ensure that the potential impacts on air quality are satisfactorily addressed.

The proximity to the strategic road network and Stakehill Business Park also gives rise to potential impact on human health through noise. Such measures are to be considered by a Noise Impact Assessment which will inform the layout of the proposals and suitable forms of mitigation.

The proposed development is not likely to give rise to significant impacts on human health by reason of accidents or disasters. In accordance with Rochdale Core

Strategy policy C6, the application will be accompanied by a Health Impact Assessment, as well as technical reports relating to air quality, ground conditions and water management.

Location of the development

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 main land use is agricultural, with an operational garden centre and fishery forming a small part of the site centrally.

(b) The relative abundance, availability, quality and regeneration capacity of natural resources

The site is identified within the GM Joint Minerals Plan as Safeguarding Areas for Sand and Gravel, Brick Clay, and Coal. Policy 8 of the plan will therefore apply with regards to consideration of prior extraction.

(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 populated areas.

There are no listed buildings located on the site itself and it is not designated as a conservation area, however the proposed development would be in the setting of some non-designated heritage assets. Given the intervening distances between the proposals and these heritage assets it is expected that a heritage assessment, which will accompany the planning application, will conclude that the character and appearance, setting and features of special architectural or historic interest of the listed buildings would be preserved.

With regards to archaeological interest, Greater Manchester Archaeological Advisory Service [GMAAS] have advised that the only specific site within the red line boundary of archaeological interest is that of the former Hopwood's Farm, a farmstead depicted on Yates 1786 map of the area. The majority of the rest of the site comprises a large area of archaeological potential where the presence of remains has not been defined. On this basis, GMAAS are satisfied that archaeological considerations can be scoped out of the application.

As previously noted, there is one European/Nationally designated sites near to the site. The Rochdale Canal SAC and SSSI are immediately adjacent the west of the site. Both the GMEU and NE consider that an EIA is required on Ecology grounds.

The topography of the site undulates, however surrounding boundary treatments limit visibility from beyond the site boundary to that of medium range views, except those from nearby Tandle Hill. Within the site, the agricultural use permits long and medium range views across the site which would be substantially and permanently altered

The site lies within the Urban Fringe Farmland Character Area and adjacent adjacent to the Pennine Foothills and Landscape Character Area as identified within

Greater Manchester's Landscape Character and Sensitivity Assessment (LUC, 2018). The overall quantum of development proposed would inevitably have an urbanising effect on these large areas of predominantly undeveloped land.

With regards to agreed viewpoints for assessing landscape impact, the applicant's Scoping Request sets out proposed methodology which includes a list of viewpoints within 2.5km of the site. Any application would be accompanied by a Landscape and Visual Impact Assessment.

Types and characteristics of the potential impact

The likely significant effects of the development must be considered in relation to criteria set out in the 'Characteristics of development' and 'Location of development' sections above, with regard to the impact of the development on the factors specified in regulation 4(2), taking in to account:

- (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.***

Any planning application would be supported by a range of technical reports, to demonstrate that any potential harm can be effectively reduced and mitigated. The probability of some of these impacts will be predictable, localised, would be for a relatively limited period of time and could be effectively reduced and mitigated. However, as set out in the assessment above and within the applicant's Scoping Request, a range of significant impacts are considered to be probable.

Scope of ES Topics and Conclusion

The submitted scoping report confirms that the following topics are to be covered by the ES:

- ☐ Landscape and Visual
- ☐ Ecology
- ☐ Population and Human Health
- ☐ Noise and Vibration
- ☐ Air Quality
- ☐ Transport and Access

The following topics are proposed to be scoped out by the applicant, as they consider these matters can be covered through typical planning submission supporting information and that the proposals are unlikely to have significant environmental effects in relation to these matters.

- ☐ Accidents and Disasters
- ☐ Agricultural Land
- ☐ Climate Change
- ☐ Daylight, Sunlight and Overshadowing
- ☐ Lighting
- ☐ Water Environment
- ☐ Waste
- ☐ Wind Microclimate

The LPA concurs with the topics that have been proposed for conclusion on the basis of the assessment above. With respect of the topics proposed to be scoped out, the council accepts all of these with the exception of the Water Environment. Having consulted with the Environment Agency a number of points of consideration have been raised with respect to treatment of waterbodies on site, and how the development proposals in respect of these could have effects which interact with River Basin Management Plans and the Water Framework Directive. Having considered this response the council determines that there is potential for environmentally significant effects and that as such this matter should be scoped into the ES.