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Development Management
Barnsley Metropolitan Borough Council
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Ref: 4124LE.L004.EIS

Date: 6th February 2023

Dear Sir/Madam

Environmental Impact Screening

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – REQUEST FOR A SCREENING OPINION OF THE APPLICATION SEEKING FULL PLANNING PERMISSION FOR THE ERECTION OF A FOODSTORE (USE CLASS E(a) WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING ON LAND TO THE NORTH OF SHEFFIELD ROAD, HOYLAND.

Introduction

On behalf of Lidl Great Britain Ltd we write to request a screening opinion pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. We are seeking confirmation from the Local Planning authority that an Environmental Impact is not required for the erection of a foodstore (use class E(a)) with associated access, car parking and landscaping on land to the north of Sheffield Road, Hoyland.

The Full planning application was submitted to Barnsley Metropolitan Borough Council via Planning Portal on 6th February 2023. In support of this request, we enclose the following plans:

- Application Forms and Certificates
- Architectural Plans (SMR)
- Design and Access Statement (SMR)
- Planning Statement (DPP)
- Retail Impact Assessment & Sequential Test (DPP)
- Draft Heads of Terms (Knights)
- Tree Survey and Arboricultural Impact Assessment (AWA)
- Landscape Plans, including boundary treatments (FDA)
- Tree Survey & Impact Assessment (FDA)
- Air Quality Assessment (Wardell Armstrong)
- Transport Assessment (BGH)
- Draft Travel Plan (BGH)

- Phase 1 & CMRA (GDP)
- Preliminary Ecological Assessment (Tyler Grange)
- Energy/Sustainable Statement (DDA)
- Noise Impact Assessment (ENS)
- Lighting Assessment (Signify)
- Flood Risk Assessment & Drainage Strategy (Weetwoods)

The Site

The site lies to the west of Hoyland and is approximately 6km South of Barnsley. Previously the site was part of a large area of agricultural land, however, the construction of the Sheffield Road roundabout which forms the south and west boundaries of the site has isolated the land.

The area around the site has a mix of uses. Immediately to the east, is Cross Keys Lane which provides access to an industrial site, which is currently home to GB Truck Services and Riverside Truck Rental. Residential dwellings are present to the east of the site whilst to the south is Rockingham Colliery Cricket Club. Employment uses are found to the north west and further to the west is Junction 36 of the M1.

The site is not within or adjacent to a Conservation Area and there are no sites of interest or recognised heritage assets within close proximity to the site.

In terms of environmental designations, the entirety of the site is located within Flood Zone 1 which means it is at low risk of river or sea flooding.

Is an EIA Required?

The EIA Regulations indicate that requests for Screening Opinions should be accompanied by an appropriate level of information to assist the authority in reaching its decision. The following matters will each be dealt with in turn:

- The nature of the proposed development; and
- The consideration of the screening criteria.

The Nature of the Development

The proposed development will see the erection of a foodstore with associated access, car parking and landscaping on land to the north of Sheffield Road, Hoyland.

The proposed development will comprise a single-storey building with mezzanine level which will have a gross internal area of 1,900sqm. The building will be located adjacent to the eastern boundary of the site and be orientated parallel with Cross Keys Lane. The store will have a mono-pitched roof which will slope towards Cross Keys Road with the highest part of the roof sitting 6.8m above ground level, falling to a minimum of 5m.

Internally, the proposed development follows a standardised layout found in most Lidl stores with approximately 1,267sqm of internal sales space, 433sqm of warehouse, and 200sqm of ancillary space.

The store will be accessible via Cross Keys Lane with a new access located in the south east corner of the site. In terms of the store itself, the main entrance will be located in the south west corner of the building.

Consideration of the Screening Criteria

The requirement to provide an EIA should be determined having regard to the Regulations and Government advice set out in the National Planning Policy Guidance (NPPG) on Environmental Impact Assessment. In determining whether a proposal constitutes EIA development, the determining body must consider whether a development falls within the relevant thresholds for either Schedule 1 or Schedule 2 development. Secondly, if development falls within Schedule 2 but not Schedule 1, it is determined whether the development would be 'likely to have significant effects on the environment' by reference to Schedule 3.

Schedule 1 of the Regulations establishes the development categories for which an EIA must be submitted, these are proposals which have a clear potential for significant environmental effects such as crude oil refineries, thermal and nuclear power stations and installations for the processing of irradiated nuclear fuels. There are 23 types of development in this schedule, however, the proposed development does not fall into one of these development categories.

Schedule 2 of the 2017 Regulations outlines the development categories for which an EIA U be required (our emphasis). Paragraph 10(b) establishes that 'urban development projects' may require an EIA where the development includes;

i. "more than 1 hectare of urban development which is not dwellinghouse development; or
ii. the development includes more than 150 dwellings; or
iii. the overall area of the development exceeds 5 hectares."

In this context the proposed development will not constitute an urban development of more than 1 hectare and is not a development of more than 5 hectares in area. The proposal is therefore below these thresholds.

For completements we have considered the proposed development in the context of Schedule 3 of the regulations given that this development is proposed on land which has not been previously redeveloped and therefore could have an urbanising effect on the wider area.

Schedule 3 establishes that the requirement to provide an EIA for Schedule 2 development and will be subject to the consideration of the characteristics and location of the development proposed and whether the development would be likely to have any 'significant effects' on those environmental factors set out at regulation 4(2) of the 2017 Regulations. The NPPG Annex 'thresholds and criteria for the identification of Schedule 2 development requiring EIA and indicative values for determining significant effects', provides a broad indication of the type of scale of development that is likely to require an assessment. In relation to 'urban development projects', the guidance states:

"Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on 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. For sites which have not previously been intensively developed:

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

In the context of the above, the site area is approximately 0.86 hectares in size and the proposed development would not provide 10,000 sqm of commercial floorspace. As such the proposed development will therefore not have an urbanising effect on the site or the wider area. As such, and in light of the above, the proposed development does not constitute an EIA development.

Notwithstanding this, the preamble to the guidance states that the figures "are indicative only and are intended to help determine whether significant effects are likely. However, when considering the thresholds, it is important to also consider the location of the proposed development."

The NPPG confirms the above by stating that "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."

In light of the above, we will now turn to look at the likely effects of the development, having regard to the selection criteria contained within Schedule 3 of the Regulations in relation to characteristics and location of the development proposed and whether the development would be likely to have any significant effects on those environmental factors set out at regulation 4(2) of the 2017 Regulations.

Characteristics of Development

According to the Regulations the characteristics of development must be considered with particular regard to matters such as the size and design of the development; the use of natural resources, in particular land, soil, water and biodiversity; the production of waste, pollution and nuisances; the risk of major accident or disasters; and risk to human health.

The proposed development will involve the development of greenfield land within the urban area of Hoyland. The site comprises former agricultural land which has not been in use for some time together with a former open cast mine and will be replaced with a single storey foodstore.

The choice of materiality both in finish and colour also assists with assimilating the development into the existing urban context including taking into consideration design guidance from the adopted Hoyland West Masterplan. The proposed development is therefore not viewed as a scheme of a scale or design out of
keeping with its existing context.

As the site constitutes greenfield developed land there is the opportunity for potential detrimental impacts upon natural resources such as land soil, water and biodiversity. Such potential impacts have been recognised within the Preliminary Ecological Assessment and Tree Survey & Impact Assessment. In relation to the production of waste, a waste management plan for both the construction and operational phases of development could be secured by way of planning condition on any permission granted.

Consideration of risk of major accident and/or disaster is a criterion clearly aimed at ensuring energy, waste or mineral extraction projects that do not fall under Schedule 1 of the Regulations are appropriately screened. The risk of major incident is minimal here and no greater than other surrounding land uses. Furthermore, the development will not be of a scale which would have any significant climatic effects which would pose the risk of accident or disaster.

The development will not result in any overriding risks to human health. Both an air quality assessment and noise impact assessment have been prepared in support of the planning application and have confirmed that there the proposals will not give rise to any risk to human health in respect of both air and noise quality.

Given the characteristics of the proposed development, it is not considered that the proposal requires an EIA on this basis.

Location of Development

According to the Regulations, the location of development must consider the environmental sensitivity of geographical areas likely to be affected by development with particular regard to existing and approved land uses, the availability of natural resources and the absorption capacity of the natural environment paying particular attention to environmentally sensitive areas such as, wetland, nature reserves and designated sites.

The polices map within Barnsley's adopted Local Development Plan identifies how the site of the proposed development is shown as part of the Urban Fabric meaning the site reflects the fact that the site is in a predominantly built-up area and is not within the Green Belt.

In terms of natural, ecological and environmental value of the site, although the development proposal is on a greenfield site the development the site has limited ecological value, as further established by there being no statutory ecological designations within close proximity of the site.

The site is set within close proximity to an urban environment, recognised as part of the Urban Fabric and is not within close proximity to any: wetlands, riparian area; river mouths; coastal/marine zones; mountains or forests; nature reserves or parks; protected European sites; areas where there has already been a failure to meet EU quality standards. In light of the above, we do not consider the site to be particularly sensitive nor do we believe there will be any significant impacts on any surrounding areas.

Characteristics of the Potential Impact

The proposal does not have any unusually complex or potentially hazardous environmental effects. Whilst the proposed development may raise a number of planning-related issues, we do not consider that these will be so significant in environmental terms as to warrant classification of the proposal as EIA development. Indeed, any environmental issues have been addressed as part of the planning submission submitted to Barnsley Metropolitan Borough Council on the 6th February 2023. A brief summary of the findings of these reports is provided below:

Transport

A Transport Assessment has been produced to consider the impact of the proposed development on the local highway network. It concluded that, there are no road safety issues within the vicinity of the site that will be exacerbated by development of the site. Appropriate vehicular access will be provided through an upgrade to the junction of Sheffield Road and Cross Keys Lane

Noise Assessment

The report concludes that following the implementation of a 2.4-meter-high solid timber fence along the northern boundary the development proposal would have no observed adverse effect on nearby residential dwellings. In addition, t

Air Quality Assessment

Overall, the assessment demonstrates that the proposed development will not lead to an unacceptable risk from air pollution or breach any national air quality objectives with the mitigation recommended.

Flood Risk and Drainage

The report confirms that the site can be suitably and sustainably drained and is considered to be suitable for the proposed use.

Ecology

A Preliminary Ecological Assessment (PEA) has been prepared for the site to assess the ecological potential for habitats. The PEA concludes that the proposed scheme is not considered to result in any adverse ecological impacts should the recommended procedures be followed. No protected species have been found on the site and works will be timed to ensure that there is no impact on nesting birds.

Trees

In order to facilitate the development, 74 of these trees or tree groups will be removed, however retained trees will be subject to no negative impacts. Additionally in total 53 new trees will be planted, and a comprehensive ornamental planting scheme will be provided to screen the development to the houses in the east.

Sustainability

An Energy & Sustainability Statement accompanies the application and confirms that the store will incorporate passive design strategies in order to take advantage of natural daylighting and enhanced fabric efficiencies, and also incorporate active design strategies which will seek to utilise heat recovery ventilation, separate sub-metering to identify and minimise waste energy, low energy lighting, and a building energy management system to ensure efficiencies are achieved and maintained.

Air source heat pumps and photovoltaic panels are also incorporated within the development and will contribute towards a 183% carbon dioxide reduction and a 165% energy reduction when assessed to Part L2A 2013 Building Regulations.

These documents provide a thorough assessment of the proposals and will enable the Council to reach an informed conclusion on the merits of the development proposed. Therefore, it is plain that the full environmental effects of the proposed development are fully assessed as part of the planning application.

Conclusions

A scheme that falls within Schedule 2 does not automatically mean the proposal requires an EIA. Given the assessment in this correspondence, it is considered that the development does not comprise EIA development as defined in the Regulations and that no Environmental Statement is required to accompany any planning application submitted in the future.

We have looked at the likely effects of the proposed development, having regards to the selection criteria contained within Schedule 3 of the Regulations and we have concluded that the proposed development will not have any significant environmental impacts. Whilst the proposed development will inevitably raise important planning considerations, we do not anticipate that these warrant an EIA.

We trust the above information is of assistance and look forward to receipt of your formal Screening Direction within the timescales prescribed by the Regulations. In the meantime, please do not hesitate to contact me should you require any further information.

Yours sincerely

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Michelle C Davies
Director
DPP