

**Town and Country Planning (Environmental Impact
Assessment)
(England and Wales) Regulations 1999**

“Screening Opinion” in respect of the following development:-

MIXED USE DEVELOPMENT COMPRISING THE ERECTION OF A FOOD STORE (USE CLASS A1), COMMERCIAL UNITS COMPRISING RETAIL (USE CLASSES A1, A2 AND/OR A3) AND OFFICES (USE CLASS B1), THE CREATION OF A CAR PARK, ACCESS ROADS, FOOTWAYS, PUBLIC REALM, LANDSCAPING, RECYCLING CENTRE PLUS OTHER ASSOCIATED WORKS AND HIGHWAY ALTERATIONS (REVISED SCHEME - RESUBMISSION OF ERE/1109/0022) AT WAREHOUSE OFF MARK ST & LAND S OF STATION ROAD SANDIACRE DERBYSHIRE FOR TESCO STORES LTD - APPLICATION REFERENCE ERE/1210/0005

Because of the nature of the above proposal the Council is required to adopt a screening opinion as to whether the above development is EIA development requiring the submission of an Environmental Statement.

The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However on the basis of interpreting the Regulations as having “*wide scope and broad purpose*”, a precautionary approach is appropriate which assumes that the development falls within Schedule 2, Category 10 (b), Urban Infrastructure Project, with the area of development, 3.12 hectares, exceeding the 0.5 hectare threshold.

In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Circular 2/99: Environmental Impact Assessment requires regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.

1. Characteristics of the development – size of the development, cumulative effects with other development, use of natural resources, production of waste, pollution and nuisances, risk of accidents with regard to substances or technologies utilised.
2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular
 - the existing land use,
 - the relative abundance, quality and regenerative capacity of natural resources,
 - the absorption capacity of the natural environment, with particular emphasis to the following areas:

- (i) wetlands
- (ii) coastal zones
- (iii) mountain and forest areas
- (iv) nature reserves and parks
- (v) areas designated by Member states
- (vi) where environmental quality standards have been laid down in Community legislation and have been exceeded
- (vii) densely populated areas
- (viii) landscapes of historical, cultural or archaeological importance.

3. Characteristics of the potential impact, with regard to :

- The extent of the impact
- Transfrontier nature of the impact
- Magnitude and complexity of the impact
- Probability of the impact
- Duration, frequency and reversibility of the impact

Annexe A of Circular 2/99: Environmental Impact Assessment suggests, at Para A18, that EIA for urban development projects is more likely if the site has not been previously intensively developed, is more than 5 hectares or would have a significant urbanising effect in a previously non urbanised area (e.g. a new development of more than 1000 dwellings).

In assessing the proposal in the context of the above, the Council's view is that it is not a major development of more than local importance. The proposed development is within the development boundary for Sandiacre and is a brownfield site. Whilst the site is contaminated, is in a Flood Zone, is adjacent to a potentially important wildlife habitat on the canalside and the proposal would generate additional levels of traffic, noise and air pollution it is not considered that the environmental effects of the development, even taking into account its proximity to the Conservation Area, will add significantly, in terms of the Regulations, to the current situation. The site is otherwise not located in an environmentally sensitive location (in terms of the Regulations) nor is the development proposed complex or potentially hazardous.

On the basis of the above analysis the Council is of the view that the development is not likely to have significant effects on the environment in this area, and therefore a formal Environmental Statement will not be required.

Signed:

Richard Snow
Development Control Manager

Date: 13 December 2010