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Chris Smith
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BY EMAIL ONLY

Dear Mr Smith

Reference No: PL/2021/08852 (relating to associated application reference 21/00081/FUL)

Proposal: EIA screening opinion in respect of proposed erection of a Class E(a) retail store, car parking and servicing areas, access, landscaping and associated works (Phase I); and erection of 10 employment units for use within Classes E(g), B2 and/or B8, car parking and external areas, access, landscaping and associated works, including a balancing pond (Phase II)

Site Address: Land to the east of Oxford Road/Beversbrook Road, Calne

The Town & Country Planning (Environmental Impact Assessment) Regulations 2020

I refer to your request received 24 June 2021 under Part 2, Regulation 5 to the 2020 Regulations, for an opinion as to whether Environmental Impact Assessment (EIA) is required for the above referenced development.

The site

The application site extends to 2.65ha and currently comprises an agricultural field enclosed by hedging and fencing, located to the east of Oxford Road on the northern edge of Calne. The site is located on the edge of the urban area, with neighbouring uses including a new Tesco store to the west, across Oxford Road, and a residential estate to the south across High Penn. The urban area of Calne extends to the south/south west, with Porte Marsh Industrial Estate located beyond the Tesco store. Calne Town Centre is located approximately 1.7km to the south west.

The application site is located in an area that has been the subject of extensive new development in recent years with substantial house building and the Tesco store being delivered on greenfield sites adjacent to the application site.

The proposal

As set out within the submitted covering letter, you confirm:

> *"It is proposed to redevelop the site for the following:*
>
> *Phase I - a Use Class E(a) retail development comprising a 2,280m2 gross discount foodstore that will be served by 133 parking spaces, to include 7 accessible spaces, 10 parent and child spaces and 2 rapid Electric Vehicle Charging spaces, together with cycle parking facilities on a site of 1.0ha; and*

Phase II – a Use Class E(g) (formerly Class B1), Class B2 and/or Class B8 employment development comprising a total of 5,583m2 gross floorspace, of which 4,952m2 will be provided at ground floor level and 631m2 at mezzanine level. The floorspace will be divided across 10 units, which will be supported by 150 parking spaces, vehicle turning areas, and cycle parking facilities, on a site of 1.65ha."

21/00081/FUL

On 5 January 2021 a full planning application for the proposed development was validated (21/00081/FUL refers) which is currently pending determination. The application has been accompanied by the following suite of technical reports:

- Air Quality Assessment;
- Arboricultural Survey;
- Flood Risk Assessment and Drainage Strategy;
- Heritage Statement;
- Landscaping Scheme;
- Noise Assessment;
- Preliminary Ecological Appraisal;
- Site Investigation;
- Site levels details;
- Transport Assessment; and
- Travel Plan.

Schedule 2 to The Regulations

The proposed development would fall within Schedule 2, Category 10 (Infrastructure Projects) (b) (urban development projects) to the 2017 Regulations. At some 2.65Ha, the application site area exceeds the indicative 1Ha threshold of Category 10(b).

I am mindful that Planning Practice Guidance notes (PPG) – Environmental Impact Assessment – updated May 2020 - provides guidance to the effect that the indicative thresholds are precisely that: indicative. It should not always be presumed that developments above the indicative thresholds should always be subject to EIA, or those falling below these thresholds could never give rise to significant effects and rightly demand EIA. Rather than a *slavish* adherence to the specified thresholds each development should be considered on its merits.

The PPG sets out the procedure for deciding whether a Schedule 2 project is likely to have significant effects and confirms that the local planning authority must take account of the selection criteria in Schedule 3 of the 2017 Regulations.

The test for the need for an EIA is, therefore, whether the proposal would be likely to give rise to significant effects on the environment by reason of factors such as size of the development, cumulative impact with other development and the risks of accidents having regard in particular to substances or technologies used, as set out in Schedule 3.

Characteristics of development

a) Size and design of development

The proposed development relates to the use of some 2.65Ha of a mixture of Class E(a) retail use (2280sqm) which would be situated on the southern part of the site together with Class E(g) (formerly Class B1), Class B2 and/or Class B8 employment uses comprising of a total of 5583sm (4952sqm at ground floor level, 631sqm at

mezzanine level) on the northern part of the site. There would be associated infrastructure provided as part of the development proposals.

The site is allocated in the Wiltshire Core Strategy for employment development and is situated within the settlement boundary.

Currently the site comprises agricultural land, surrounded to the south and west by housing and retail development, the latter comprising a Tesco store and associated petrol filling station.

These existing developments contextualise any visual impacts associated with additional built form.

However, the site does form part of wider open countryside hereabouts which wraps around this North/North Eastern part of Calne. When approaching the site from the north (A3102), the development would be highly visible in views from the elevated ground at High Penn, albeit such views also contextualised by significant development along the Oxford Road/south of the A3102.

In view of the contextualising elements of existing development along Oxford Road/south of the A3102 and the lack of intervisibility or other immediate relationship between the North Wessex Downs AONB designation (the nearest boundary to which is some 2.0km to the East), it is considered that any potential impacts upon the landscape are capable of being considered through the conventional planning application process and are not sufficiently complex or interrelated to other impacts which would demand EIA.

Cumulative effect with other development

The Regulations confirm that the effect that each application (or request for an opinion) must be considered for EIA on its own merits. However, and as advised within the PPG, in judging whether the effects of a development are likely to be significant, regard must be had to the possible cumulative impact within any existing or approved developments.

Whilst it is acknowledged that substantial development has been permitted in the locality, these developments are now well established. Whilst matters relating to traffic generation are considered in a separate section below, the likely combined impact from traffic generated by this development and that permitted in the locality will be a significant matter to consider but remains one which is capable of being assessed through the non-EIA planning application process.

The proposed development is not considered likely to give rise to significant cumulative environmental effects which demands EIA.

Use of natural resources and production of waste

The development of this site will result in the use a natural resource, that being the land being used and its agricultural use permanently lost. However, given the availability of agricultural land in the wider area and the in-principal support for this loss through the allocation of the land for employment development, it would not be significant in the wider and local sense. Materials for construction are not known to be in short supply and the buildings can incorporate renewable energy features. Effects are therefore unlikely to be significant.

General construction waste is expected during construction, which will be managed and disposed of by the appointed contractor in accordance with the waste hierarchy and prevailing legislation.

During occupation, the uses proposed will generate waste, but this is unlikely to be any difference to that for similar uses in the vicinity of the application site such that the effects would not be considered significant.

A Waste Audit has been submitted as part of the planning application documentation.

The development would be expected to comply with the Council's SPD Waste storage and collection: Guidance for Developers (2017) which applies to mixed use development as proposed here.

Pollution, noise, nuisance and risk of accidents and/or disasters and risks to human health

A development of this scale would likely require the submission of a Construction Management Plan type document, so as to limit nuisance (inc. noise/dust) and vehicular, pedestrian and cycle accidents. Whilst there is housing to the south of the application site, the impacts upon their living conditions can be adequately considered as part of a planning application and is not considered to be automatically determinative of significant environmental effects or a need for EIA to consider those impacts.

Whilst Calne does have an Air Quality Management Area (AQMA), the site is located some distance away from the boundary.

Any potential impacts in relation to air quality, noise and vibration will largely be associated with the increase in construction traffic, site plant, dust emissions, and operational traffic. However, potential impacts relating to air quality, noise and vibration to location residents to the south of the site could be associated with the operation of the retail store, but these aspects of the development can be adequately considered as part of a planning application (through the consideration of the submitted Air Quality Assessment and Noise Impact Assessment) and is not considered to be automatically determinative of significant environmental effects or a need for EIA to consider those impacts.

Location of development

The existing land use

The site is agricultural land. There are unlikely to be any significant areas of contamination, however if encountered, legislation exists to ensure remediation followed by written verification.

Relative abundance, availability, quality and regenerative capacity of the natural resources in the area and absorption capacity of the natural environment

Land to the north, north west and north east of the site comprises greenfield land, much of which is in agricultural use.

Ecology – A Preliminary Ecology Appraisal (PEA) has been submitted in support of the planning application. The PEA confirms: "The boundary vegetation provides opportunities for nesting birds as well as foraging, commuting and limited potential roosting opportunities for bats. There is also a limited risk of reptiles occurring at the Site, particularly associated with the boundary vegetation, given their known presence in the local area. The Site provides opportunities for hedgehogs, whilst badger and brown hare may also venture onto the Site, although no evidence of these species was recorded during the survey." The findings of the PEA have informed the development proposals and no further survey work is considered necessary.

The PEA makes detailed recommendations for the construction and operational phases of the development.

In the light of the findings of the PEA, ecological matters can (and are) being addressed through the planning application process and does not demand EIA be carried out.

Given the sites location outside of any sensitive ecological area and over 6.0km from any internationally designated site, a separate Habitats Regulation Assessment (screening) will not be necessary.

Existing and new planting –The site comprises an improved grassland field, bordered by hedgerow on the eastern, western and southern aspects and a woodland belt on the northern boundary, with small areas of dense scrub in the corners of the site and encroaching from the woodland habitat. The Aboricultural Report submitted with the

application confirms there are no protected trees on the site. Those root protection areas for some trees along the boundaries extend into the site but will not be affected by the proposed development and can be protected via protective fencing during the course of construction and controlled by means of a planning condition. In this context, there is considered to be no reason why EIA should be required in this instance.

Flood risk - The site is located within Flood Zone 1, an area considered to have the lowest probability of fluvial and tidal flooding. The site and its surrounding area are also shown to be located outside of the extreme 0.1% AEP flood event and EA flood mapping indicates there is low surface water risk at the site. The planning application is supported by a Flood Risk Assessment (FRA) which has been prepared since the site comprises more than 1Ha. The FRA concludes that the baseline risk flood risk to the site and the impact of the development on flood risk elsewhere is considered Low and acceptable from all sources.

Heritage – The site does not lie within any Conservation Area nor are there any Listed Buildings on or close to the site. On the opposite side of the A3102 to the site is a Scheduled Monument comprising the deserted medieval settlement of Beversbrook, stretching over almost 12 hectares. The village remains are screened from the A3102 by a thick hedge and trees and the limited number of heritage assets in its wider zone of influence, and it is highly unlikely that the form of development proposed will generate any significant impact upon the historic environment. The planning application has been supported by a Heritage Statement and is capable of being considered through the planning application process and would not need an EIA.

Traffic generation and transport

Although not a specific criterion within Schedule 3 to The Regulations, it is considered important to have regard to traffic generation and transportation arrangements associated with development taking place.

The proposed development is substantial and will therefore result in an increase in traffic during both the construction and operational phase (ie. transitory and permanent respectively).

In recognition of this the planning application is supported by a Transport Assessment (TA) and a Travel Plan. The TA was informed by discussions with Wiltshire highways officers as well as existing survey information and guidance.

The traffic generation and transport issues are to be considered in the context of the historic allocation of this site and the cumulative effects when considered alongside the other new developments (i.e. Tesco store and filling station) in the vicinity of the site.

However, whilst clearly a significant consideration during any planning application process, traffic generation and transport is not considered to be one of such complexity which cannot be adequately considered by the conventional planning process. There is considered to be no need for an EIA in this instance.

Conclusion

Guidance within the PPG states, in the case of Schedule 2 developments, the need for EIA should be considered on the basis of whether the development is likely to have significant effects on the environment.

In this particular instance, whilst likely to be substantial, the development would not result in a significant impact on any area beyond its immediate locality. It is not considered that the proposal would be unlikely to have any potentially hazardous environmental implications for the site and its environs that could not be addressed through the submission and consideration of supporting information to a planning application. Indeed, the current planning application has been submitted with a suite of technical documents which have been consulted upon and are available on the Council's website.

When assessed against Schedule 2 and Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2020, as well as the guidance within the PPG, it is concluded that **Environmental Impact Assessment is not required** for the development described in your letter of 24 June 2021.

Yours sincerely

Simon T Smith
Area Team Leader (North)