

**BODY:** **PLANNING**

**DATE:** **2 October 2007**

**SUBJECT:** **Town & Country Planning (Environmental Impact Assessment (England & Wales)) Regulations 1999 - request for Screening Opinion for proposed office development and associated car parking, land at Cross Levels Way**

**REPORT OF:** **PLANNING MANAGER**

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**Ward(s):** Hampden Park

**Purpose:** To obtain a decision on a screening opinion sought under the above regulations.

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**Recommendation:** That, subject to the views of the County Council and Environment Agency, a full Environmental Impact Assessment be sought in this case.

## **1.0 Introduction**

- 1.1 The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (Statutory Instrument 1999 No. 293) – also known as the EIA Regulations – form part of the development control system in England and relate to certain types of development.
- 1.2 The EIA Regulations relate to a European Union Directive and give planning authorities a means of ensuring that they can take account of the environmental implications of individual developments in their decisions on planning applications. The EIA Regulations place a number of responsibilities on planning authorities, which relate to the different stages of the Environmental Impact Assessment (EIA) process.
- 1.3 The EIA Regulations only apply to certain types of development, and before the Council can request an EIA it must determine whether the proposal is subject to the Regulations and can be classified as 'EIA development', and decide whether EIA is required in that particular case. This process is called 'screening' and there are two ways in which it can be applied:
1. A developer can ask the planning authority to give an EIA screening opinion before the application for planning permission is submitted.
  2. Where a planning application has been submitted without an environmental statement and alternatively no request has been made in the past for a screening opinion, the planning authority has the right

to adopt an EIA screening opinion for the proposal, which will determine whether or not the scheme requires EIA.

- 1.4 In this particular case the screening opinion is requested under option 1.
- 1.5 The Council has 3 weeks within which to adopt its EIA screening opinion from the date on which the request was received (for (1) above) or the planning application was deemed to be valid (for (2) above). In both cases the 3 week period can be extended, if the developer agrees in writing to the extension. In this case the agents for the prospective applicants have agreed to extend the period to enable the matter to be considered at this meeting.

## **2.0 Schedule 1 and Schedule 2 developments**

- 2.1 The EIA Regulations include two lists of different types of development projects. The first list is called **Schedule 1**, and identifies all the types of projects for which EIA is mandatory (e.g. integrated industrial chemical plants, large scale thermal and nuclear power stations, metal production plants, etc.). The proposed scheme at Cross Levels Way would not fall within the definition of a Schedule 1 development.
- 2.2 The second list of development projects is called **Schedule 2**, and identifies the types of scheme for which EIA may be required. In order to find out whether a particular project is of a type listed in Schedule 2, and to then decide whether or not there is a need for EIA it is necessary to undertake a 'screening' exercise and produce a screening opinion.
- 2.3 Infrastructure projects such as the scheme for which this screening opinion is sought are defined in the EIA Regulations as Schedule 2 developments where the site area exceeds 0.5 hectare. In this case the site area is 1.3 hectares and therefore falls within the category of development for which a screening opinion is required.
- 2.4 The EIA Regulations provide information about the issues that the planning authority needs to consider when determining whether a project needs an EIA. The list of types of development that might require EIA in Schedule 2 of the EIA Regulations includes thresholds and criteria that indicate whether a given project is more or less likely to give rise to significant environmental impacts. If a project would exceed the relevant criteria then it would be likely to need an EIA.
- 2.5 In respect of Schedule 2 projects, an EIA is required only if the particular project in question is judged likely to give rise to significant environmental effects.

## **3.0 The proposed development**

- 3.1 The site is situated on the north side of Cross Levels Way (A2282), adjacent to the roundabout junction with Broadwater Way. The site itself occupies approximately 1.3 hectares of open land.

- 3.2 It is proposed to develop the site to provide for 4,966 sq m of B1 offices. This comprises 13 units provided within 7 buildings. Included with the proposals is parking provision for the units comprising 173 standard parking spaces, 9 disabled parking spaces, 12 motorcycle parking spaces and 43 cycle parking spaces. Refuse and recycling areas are placed in strategic points around the site. The remainder of the site, aside from the wooded area adjacent to the proposed new access, will be hard surfaced with a combination of tarmac road and brick pavers in and around the car parking area. A landscaping scheme also forms part of the application with supplementary tree planting, screening the car parking areas to the south of the site.

#### **4.0 The Screening Opinion**

- 4.1 In the Officers' opinion the size (1.3ha), location and nature of the development indicates that the proposal has the potential to have significant effects on the environment. This is due in part to the sites proximity to Eastbourne Park - a recognised area of high ecological importance located wholly within the functional floodplain. The wetland habitats associated with Eastbourne Park contain a wide range of nationally and/or regionally uncommon species.
- 4.2 The site is also located within the designated Archaeologically Sensitive Area and there is very high potential for most archaeological periods, but in particular for remains of the Bronze Age, Iron Age, Roman, Medieval and Post-Medieval periods.
- 4.3 The site partially lies within the floodplain, it would be essential that a flood risk assessment is undertaken at an early stage because development over 1ha can generate significant volumes of surface water. The impacts and risks posed by this could affect the wider catchment area of Eastbourne Park. The consequent requirement for suitable Sustainable urban Drainage Systems (SuDS) may place limitations on the developable area of the site.
- 4.4 In summary the screening opinion is that the development does constitute a Schedule 2 EIA Development due to the likelihood that it would give rise to significant environmental effects, having regard in particular to:
- The development's size
  - The location – the existing land use and absorption capacity
  - Characteristics of the potential impact – the extent and probability of impact

#### **5.0 Consultation**

- 5.1 The East Sussex County Archaeologist and the Environment Agency have been consulted regarding verification of the Council's EIA screening opinion. Their responses will be reported verbally at the meeting.

## **6.0 Financial Implications**

- 6.1 If an EIA is required it may be necessary to seek advice from external consultants and this will have cost implications, which will need to be met from the planning application fee.

## **7.0 Human Resource Implications**

- 7.1 The work involved in carrying out the screening opinion and assessing any EIA submitted or appointing consultants, if required, has some limited impact on existing staffing resources.

## **8.0 Human Rights Implications**

- 8.1 None

## **9.0 Other Implications**

- 9.1 There are no youth, anti-poverty, equalities or community safety implications as a direct result of this report.

## **10.0 Conclusion**

- 10.1 Having regard to all the above factors it is considered that an EIA will be required in respect of this proposed development due to the likelihood that it would give rise to significant environmental effects.

**Ian Hayes**  
**Development Control Manager**

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### **Background Papers:**

The Background Papers used in compiling this report were as follows:

1. Town & Country Planning (Environmental Impact Assessment (England & Wales)) Regulations 1999.
2. Environmental Impact Assessment: Guide to Procedures.

The above documents can be downloaded from the following website addresses:

<http://www.opsi.gov.uk/si/si1999/19990293.htm>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/157989>

'Ntfileserver' (J:)/2007 Agenda reports/Cross Levels Way – screening opinion