

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

IS AN ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NECESSARY?

Application No. : 20/02453/F S.O. Ref. No. :

Application Title: Hornton Grounds Quarry Hornton
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|----|--|----------------------------------|
| 1. | Has an Environmental Statement been submitted? | <input type="text" value="No"/> |
| 2. | If not | |
| | (a) Is the development listed in schedule 1? | <input type="text" value="No"/> |
| | (b) Is the development listed in schedule 2? | <input type="text" value="Yes"/> |
| | (c) If the answer to (b) is YES is it in a 'sensitive' area? | <input type="text" value="No"/> |
| | (d) If the answer to (c) is NO does it exceed any of the relevant thresholds and criteria in schedule 2? | <input type="text" value="Yes"/> |
| | (e) If the answer to (c) and/or (d) is YES is the development likely to have significant effects on the environment? | <input type="text" value="No"/> |

Screening Opinion

- | | | |
|----|---|---------------------------------|
| 3. | Is there a Secretary of State Screening Direction or any pre-application screening opinion for the development? | <input type="text" value="No"/> |
| 4. | If the answer to 3 is NO, then for any schedule 2 development describe below why the characteristics of the development, the environmental sensitivity of the location and the characteristics of the potential impact does or does not mean that an E.S. is necessary. | |

The Local Planning Authority ('LPA') considers that the proposal represents the 'storage facilities for petroleum, petrochemical and chemical products that falls within Schedule 2, Section 6(c) of the Regulations. The site area would exceed the applicable threshold (0.05ha and storage of more than 200 tonnes) in column 2 of Schedule 2. Whilst the development is not within a 'sensitive area' it is located near to the Area of Outstanding Natural Beauty', which is classified as a 'sensitive area'.

For the development to be considered an EIA development, it would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. In determining whether the proposals are likely to constitute EIA development, regard has been had to the criteria set out in Schedule 3 of the EIA Regulations 2017. Government guidance relating to EIA as set out in the Planning Practice Guidance ('PPG') is also material and has been taken into account.

The LPA considers that the proposal is unlikely to have significant environmental effects for the purposes of the EIA Regulations and that **the proposal is not therefore EIA Development**. An Environmental Statement (ES) is not required to be submitted with to support this application for the reasons set out below.

Reasons for Determination:

Site:

The application site comprised approx. 0.78ha part of a former quarry site immediately to the east of an existing stone cutting yard located at Hornton Grounds Quarry. The site is accessed of the Stratford to Banbury Road via an existing access road.

Constraints:

The site is within an area where the geology is known to contain naturally elevated levels of Arsenic and affected by Radon Gas; the site sits approximately 260m east of the boundaries of Cotswolds Area of Outstanding Natural Beauty (which is a Sensitive Area) and there are public rights of way with in the vicinity of the site.

Proposal:

The proposal is for a new fuel storage depot with associated work. This would include:

- 6 x above ground storage stands (125,000l tanks)
- 2 x smaller, ancillary above-ground tanks; 1 no. 'Glowmax' (kerosene additive) tank of 6,000 litres and 1 no. Company own Consumption (CoC) tank to refuel tankers with DERV which will have a capacity of 2,500 litres.
- Ancillary storage and equipment
- Hardstanding for parking and tankers
- Single storey office building (approx. 250 sq m, 3.3m high)
- Fencing and security lighting (10 no. 5m high lighting columns)

Appraisal:

The proposed development does not fall under Schedule 1 development but is considered to fall under Section 6 (c) of Schedule 2 of the Regulations. The proposed development exceeds the associated threshold in column 2 for this type of development. Therefore, screening of the proposal under the Regulations is required.

In considering proposals for EIA development, an assessment as to whether the proposal will be 'likely to have significant effects on the environment' needs to be made having regard to the indicative criteria and thresholds set out in the PPG. The development is not within a 'sensitive area' as defined in the regulations (AONB, National Park etc.). The indicative threshold for this type of development, as set out within Column 3 of the Annex to the PPG, is 'operational development covers a site of more than 10 hectares. Smaller developments expected to give rise to significant discharges of waste, emission of pollutants or operational noise'. The proposed development is significantly smaller in site area than the indicative criteria and given the nature of the proposal is not likely to give rise to significant discharges.

Schedule 3 of the Regulations requires the proposal to have regard to the characteristics of the development, the location of the development and the type and characteristics of the potential impact.

Given the nature and the proposed scale of the proposed development it is not considered to give rise to any significant issues relating to the use of natural resources, production of waste, pollution or risk of accidents or risks to human health.

There are a number of constraints affecting the site as set out above raising issues such as ecological impacts, and landscape and visual impacts. The proposal would also generate its own impacts such as traffic, noise and ground and air pollution. However, these impacts can all be addressed through the submission and assessed through the normal planning and consultation process and are not considered to give rise to significant environmental impacts warranting the submission of an Environmental Statement.

Conclusion:

The development is listed in Schedule 2 of the Regulations but it is considered that, due to the scale of development, the site characteristics, its location and context and the nature of the development, the proposal is unlikely to give rise to significant environmental effects and hence an ES is not required in this instance. The LPA's conclusion in this regard relates only to whether or not the proposal is EIA development and has no bearing on its assessment of the planning application.

In reaching this opinion the LPA has considered the factors above, the criteria to Schedule 3 to the EIA Regulations 2017 (as amended) and the Planning Practice

Guidance together with the thresholds and criteria set out in the Annex.

Is an E.I.A. needed?

No

Signed

Bob Neville

Date

27/10/2020

Agreed by

Nathanael Stock

Date

06.11.2020

Has a copy of the Screening Opinion been placed on the file?

Y / N

Has a copy of the Screening Opinion been placed in the Planning Register?

Y / N

EIA REQUIRED

EIA NOT REQUIRED

Any application for planning permission must be accompanied by an Environmental Statement

Is it listed in Schedule 1?
(Paragraph 28)

Yes

No

Is it listed in Schedule 2?
(Paragraph 30)

Yes

No

Is it in a 'sensitive area'?
(Paragraph 36-40)

Yes

No

Does it meet any of the relevant thresholds and criteria in Schedule 2?

Yes

No

Is this 'Schedule 2 development' likely to have significant effects on the environment?
(Paragraphs 32-47)

Yes

No

The development and full reasons must be made available to the public
(Paragraphs 125-127)

Any application for planning permission must be accompanied by an Environmental Statement

Development is outside of the Regulations

Development is not 'Schedule 2 Development'

Development is not likely to have significant effects on the environment

The determination to this effect must be recorded and made available to the public (e.g. paragraph 58)

