

Screening Opinion

Brighton and Hove City Council

Decision required under delegated procedure

Case Officer: Ben Daines, Principal Planning Officer

Date: 16 September 2021

Environmental Impact Assessment Screening Opinion: Patcham Court Farm, Vale Avenue.

Ward Affected: Patcham

1. Purpose of the report

- 1.1. To provide a formal screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('the EIA Regulations') as to whether an Environmental Impact Assessment (EIA) is required in relation to the proposed redevelopment of Patcham Court Farm to provide 4,500sqm of commercial uses (Use Class B8), including a mezzanine, ancillary offices and parking.

2. Recommendation

- 2.1 To adopt a formal screening opinion that an **EIA is not required** for the proposal at the site as set out in paragraph 3.9 below and as described in the Environmental Impact Assessment Screening Report produced by Barton Willmore (July 2021).

3. Background

- 3.1 The relevant legislation under which the need for EIA is considered is the EIA Regulations.
- 3.2 Government guidance on the application of the Regulations is contained within the National Planning Practice Guidance (NPPG): Environmental Impact Assessment.
- 3.3 Regulation 6 of the EIA Regulations states that a person who is minded to carry out development may request the relevant Planning Authority to adopt a screening opinion. Regulation 6 sets a three week period in which the Planning Authority must issue a screening opinion unless an extension is agreed. The agreed target date is 17 September 2021.
- 3.4 The site is located within the ward of Patcham and is 1.56 hectares in size. It is currently vacant and comprises several mainly derelict low rise agricultural buildings with associated hardstanding. The site is bounded by the A27 and Vale Avenue and is accessed via a single access/egress road from Vale Avenue.
- 3.5 The closest statutory designations to the site consist of historic assets to the south, along Church Hill and Old London Road, comprising 29 Grade II Listed

Buildings, three Grade II* Listed Buildings and the Dovecote at Patcham Court Farm Scheduled Monument; the closest of these features is Patcham Court Farmhouse (Grade II), which lies approximately 33m from the site's southern boundary. Other historic features include the Ewe Bottom Entrenchment Scheduled Monument (approximately 873m to the north of the site), the 'A saucer barrow and three bowl barrows on Tegdown Hill' Scheduled Monument (approximately 1.2km to the north east of the site), and the Earthworks and Lynchets near Eastwick barn Scheduled Monument (approximately 1.3km to the north east of the site). Stanmer Park Registered Park and Gardens is located approximately 2.3km to the east of the site. The site is not within a Conservation Area, although it is adjacent to Patcham Conservation Area, which is located to the south of Vale Avenue.

- 3.6 The site is within proximity (2.5km) of several statutory ecological or landscape designations. The South Downs National Park is located approximately 80m to the north of the site, beyond the A27 road. The Ladies' Mile Local Nature Reserve (LNR) is located approximately 877m to the east of the site at its closest point, designated for its chalk grassland species and scattered dense scrub. The Withdean and Westdene Woods LNR is located approximately 633m to the south west of the site, designated for its mature woodlands, diverse woodland bird community and native woodland ground flora, and for the provision of a valuable wildlife corridor within an urban area.
- 3.7 The site is located within Flood Zone 1, at the lowest risk of flooding with less than a 1 in 1,000 annual probability of river flooding. However, it is within a Groundwater Source Protection Zone (SPZ) 1 – Inner Protection Zone, which has the lowest travel time of pollutants to source (where water is taken).
- 3.8 The site is not located within an Air Quality Management Area (AQMA).
- 3.9 The proposed development comprises the demolition of the existing agricultural buildings, breaking up of hardstanding at the site and construction of up to 4,500sqm gross internal area (GIA) of commercial uses (Use Class B8) including a mezzanine, with ancillary offices, ancillary vehicle wash, means of access, parking, drainage, landscaping and other associated works.
- 3.10 The maximum building height of the proposed development is anticipated to be up to 15m above finished floor level. The building will be one storey with a mezzanine area over part.

4 Statutory and general considerations

- 4.1 The purpose of this screening opinion is to establish whether the development is likely to have significant effects on the environment, and thus represents EIA development.
- 4.2 In accordance with the 2017 Regulations and guidance, the Local Planning Authority must first give consideration as to whether the development falls into Schedule 1 or Schedule 2 of the Regulations.

- 4.3 The proposal does not fall under any of the categories listed in Schedule 1 of the EIA Regulations whereby EIA is mandatory.
- 4.4 The next stage is to identify whether the development is located in, or partly in, a defined '*sensitive area*' as the more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment.
- 4.5 The 2017 Regulations defines '*sensitive areas*' as Sites of Special Scientific Interest, areas covered by Nature Conservation Orders, National Parks, the Broads and World Heritage Sites, Areas of Outstanding Natural Beauty and Scheduled Ancient Monuments. The definition of sensitive areas does not include Conservation Areas or Listed Buildings.
- 4.6 The site is not within any of these areas and so the proposed development is therefore not considered to be within or significantly affecting a '*sensitive area*' as defined by the EIA Regulations 2017.
- 4.7 As it is established that the site is not located within a '*sensitive*' area, the next stage is to establish whether the proposals meet any of the relevant thresholds and/or criteria in column two of Schedule 2. This was in part informed by the views of consultees, namely the Ecologist and Landscape Architect at East Sussex County Council, and Heritage Officers, to establish whether there were any particular sensitivities on this site.
- 4.8 The County Ecologist was of the view that, having regard to ecology, the proposal would not have significant environmental effects, within the meaning of the EIA Regulations, but that any planning application should be informed by an Ecological Impact Assessment.
- 4.9 The County Landscape Architect was also of the view that the proposed development would be unlikely to have a significant adverse effect on the landscape or views and that the proposal would provide an opportunity to enhance the landscape and visual amenity of the site given the fact it has been derelict for a number of years. The County Landscape Architect goes on to state that any planning application would need to be accompanied by a Visual Impact Assessment prepared in line with Guidelines For Landscape and Visual Impact Assessment Edition 3, (Landscape Institute and IEMA). This would need to consider the impact on views from the South Downs National Park, the local built up area, the recreation ground and public rights of way. A number of potential mitigation measures are also recommended.
- 4.10 Given the proximity of the site to Patcham Conservation Area, the views of the Council's Heritage Officers were also sought. The Heritage Officers are of the view that the proposed development would not have a significant impact on the historic environment, within the meaning of the EIA Regulations.
- 4.11 The proposed development could fall under category 10 of Schedule 2 '*Infrastructure Projects*' sub sections (a) '*Industrial estate development projects*'

or (b) 'Urban development projects'. For Industrial estate development projects' the threshold is as follows:

- The area of the development exceeds 5ha.

4.12 For urban development projects the thresholds are listed as follows:

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

4.13 Given the size of the site is 1.56ha, the proposal is not considered to be Schedule 2 development under sub section 10 (a) of Schedule 2 but is considered to be Schedule 2 development under sub section 10 (b) of Schedule 2. Accordingly, consideration needs to be given as to whether the development would have the potential to result in 'significant environmental effects' which require an EIA.

4.14 The National Planning Practice Guidance (PPG) gives further advice with regard to screening of Schedule 2 projects, and states such projects need to be assessed to establish whether they are likely to give rise to significant effects on the environment, taking account of the selection criteria set out in Schedule 3. If this assessment finds that environmental effects are likely, then an EIA will be required. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way and authorities should retain the evidence to justify their decision.

4.15 The PPG provides indicative screening thresholds to aid local planning authorities. For 'Urban development projects' it states key issues to consider are the physical scale of such developments, and potential increase in traffic, emissions and noise. The PPG states that EIA 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. The thresholds for sites which have not previously been intensively developed are:

- (i) area of the scheme is more than 5 hectares; or
- (ii) it would provide a total of more than 10,000 sqm of new commercial floorspace; or
- (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

4.16 The PPG advises that only a very small proportion of Schedule 2 development will require EIA.

4.17 Taking note of the above, the site is significantly less than 5 hectares, the proposal would provide 4,500sqm of new commercial floorspace, and much of

the site has been previously developed and is located within the Built Up Area Boundary.

5. **Schedule 3 Assessment**

5.1 Schedule 3 of the Regulations requires the proposal to be assessed against three main selection criteria: Characteristics of Development, Location of Development, and Types and Characteristics of the Potential Impact.

5.2 *Characteristics of development*

a) The size and design of the whole development - given that the site is 1.56ha and the proposed development has a floorspace of circa 4,500sqm, the development is not considered to be of a scale that would in itself warrant EIA.

b) Accumulation with other development – the site is situated within but on the edge of the Built Up Area Boundary. There are no other planning permissions in place, developments being built out or allocated sites that are of a scale/nature that cumulatively have the potential to result in significant environmental impacts.

c), d) & e) The use of natural resources and production of waste - this is likely to be limited to elements such as gas and water for the proposed end uses. The production of waste, pollution and nuisances is not considered to be of a magnitude to result in significant environmental impacts, and would be adequately controlled through other regulations, a Site Waste Management Plan/Construction Environmental Management Plan and / or appropriate planning conditions should permission be granted.

f) The risk of accidents, having regard in particular to substances or technologies used – this would be addressed through other legislation, and the development would be expected to adopt best practice measures during the demolition, construction and implementation to prevent the risk of accidents within the site. The proposed end use will not involve the handling or processing of substances or technologies that are likely to have a significant impact on the environment.

g) The risks to human health (for example, due to water contamination or air pollution) – these are not likely to be of a magnitude that would have a significant impact and could be controlled by the use of appropriate planning conditions.

5.3 The *Location of the Development* needs to be considered in respect of the environmental sensitivity of the site and surrounding area, looking at factors set out in criterion a) – c) of Schedule 3:

a), b) and c) (i) – (v) The existing site constitutes previously developed brownfield land containing agricultural buildings and associated hardstanding and features very little natural environmental quality that would be affected by the proposed development. Although the site is in relatively close proximity to the South Downs National Park, it is separated from the National Park by the

A27 road, reducing the sensitivity of the landscape designation in this area, so it is not considered that the proposal would have any significant environmental effects on the National Park. Potentially significant effects on this 'sensitive area' can be avoided through standard mitigation and best practice.

c) (vi) – (viii) The site is not within an Air Quality Management Area. Although close to a Conservation Area, the scheme would not be of a size and scale with the potential for significant environmental impacts in relation to sites of historical significance.

6. Conclusion

6.1 The proposal does not represent Schedule 1 development as defined in the 2017 EIA Regulations. The proposal is Schedule 2 development given it exceeds the threshold of more than 1 hectare of urban development which is not dwellinghouse development. The site is not within a 'sensitive area' as defined by the 2017 Regulations. The Characteristics of Development, Location of Development and Potential Impacts of the Schedule 2 development have been assessed in accordance with the Criteria within Schedule 3 of the Regulations and NPPG advice, and have been found not to be significant in terms of environmental impact.

6.2 The Local Planning Authority therefore considers that the development would not have an environmental impact of a magnitude which would require an EIA. The recommendation, therefore, is that the Council adopts a **negative screening opinion** that EIA is not required for the proposed development.

7. Consultation

7.1 The Council is not required to carry out formal consultation when adopting a screening opinion. Where specialist consultees have been consulted to aid assessment, they are referenced above.

Principal Planning Officer:...Ben Daines.....Date...16.09.2021

Planning Manager:.....Jane Moseley Date...16.09.2021.....