



Our ref: 3700/LAM

**Black Rock Site Enabling and Public Realm Works Project**

**Madeira Drive**

**Brighton**

**Environmental Impact Assessment Screening Report**

On behalf of

**Brighton & Hove City Council**

**City Development and Regeneration**

February 2020

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## **1. Introduction**

- 1.1 This Report has been prepared by NTR Planning Limited on behalf of Brighton & Hove City Council – City Development and Regeneration ('the Applicant') in relation to site enabling and public realm works at Black Rock and the surrounding area. The full description of development is provided in Chapter 3 of this Report.
- 1.2 The Report is submitted to the Brighton & Hove City Council to formally request it adopts a Screening Opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the Regulations') *i.e.* whether the proposed development is environmental impact assessment (EIA) development as defined by those Regulations.
- 1.3 In accordance with Regulation 6(2)(a), drawing number 10856 PLN101 P1 is enclosed as a plan sufficient to identify the land. Included within this Report is a description of the nature and purpose of the development and a brief description of its possible effects on the environment as also required by the Regulations.
- 1.4 The remaining structure of this Report is as follows:
- Description of the site and surroundings;
  - Nature and purpose of the proposed development;
  - The EIA Regulations;
  - Appraisal of Schedule 3 criteria by use of a screening matrix; and
  - Conclusion.
- 1.5 This Report should be read in conjunction with the Ecological Impact Assessment including appendices (C1-C5) and the Coastal Modelling Report.

## 2. Description of the Site and Surroundings

- 2.1 The application site is referred to as Black Rock but as shown on the red line plan (extract below in Figure 2.1) is larger and as demonstrated in the description of development when identifying proposals at, for example, Duke's Mound.

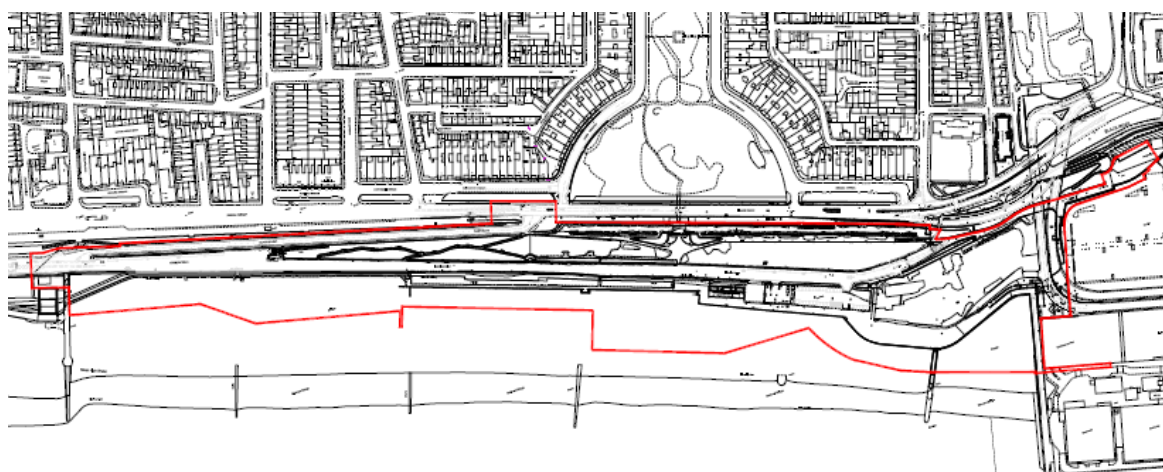


Figure 2.1 – Extract of Location Plan (NTS)

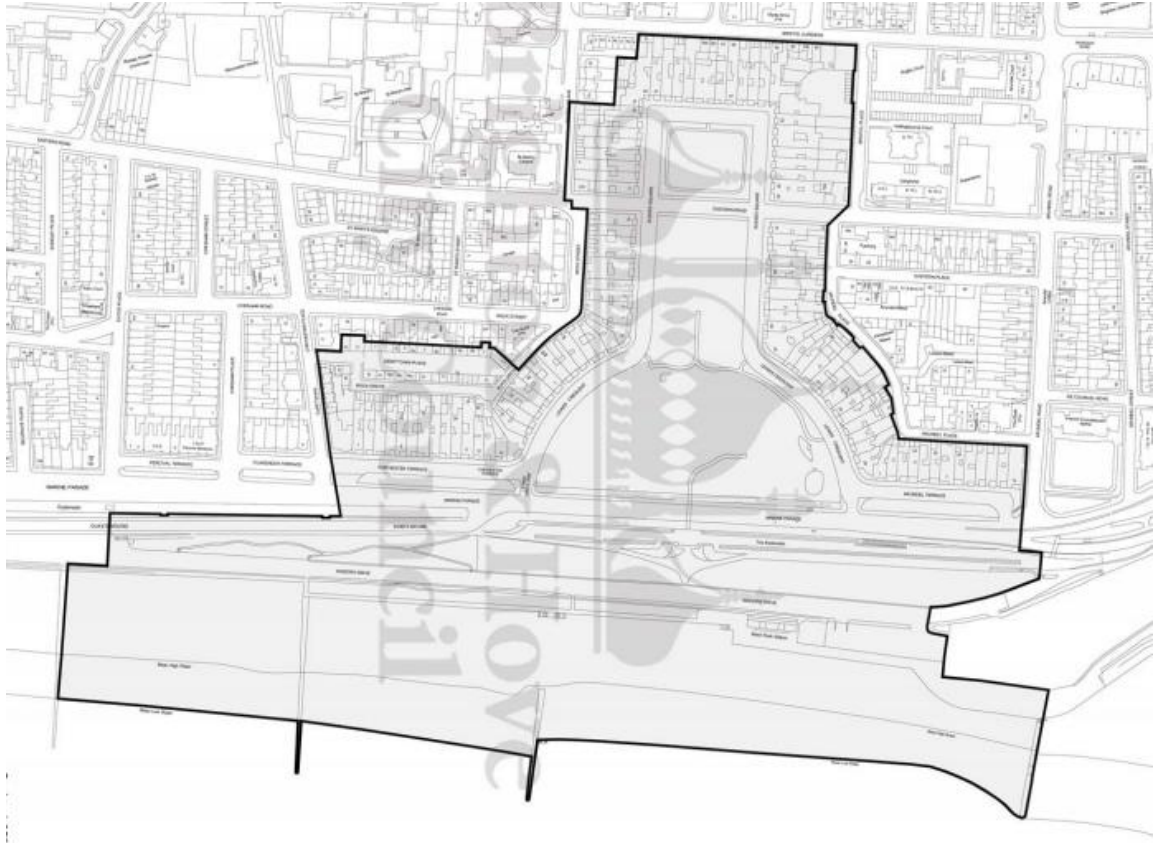
- 2.2 In wider terms, the Black Rock site is located at the eastern end of Madeira Drive with Brighton Marina to the east and on the seafront. In terms of the red line area, this commences in the west by the Volk's Workshop building/by the entrance to Banjo Groyne, it then in the southern part of the red line area includes part of the beach up to the breakwater at the Marina. From that same western point but to the north, it also includes Duke's Mound and at the top of this an area of Marine Parade. The red line drops down to the Esplanades including the Reading Room and Temple (both Grade II listed) and stretches over to land owned by the Applicant near the commencement of the Undercliff Walk picking up small areas at the Marina that will allow for connection points between the two areas. The overall site area is 10.24ha.
- 2.3 The Black Rock site was formerly a 1930s open air swimming pool (lido), which was closed in 1978 and has long since been demolished. This part of the site is now unmade land in poor visual condition and largely enclosed by hoarding with a car park adjacent to this and coach parking along Madeira Drive. Immediately to the south of the hoarded area beyond the seawall is the Black Rock SNCI, and forms part of the

application site. Whilst the SNCI is not due to be reclassified to the Black Rock Local Wildlife Site (LWS) until the adoption of Part 2 of the City Plan, SNCIs are already referred to in Sussex as LWSs. The terminology is currently inter-changeable but the spirit of the designation is unaffected. The extent of the SNCI/LWS is shown below in Figure 2.2.



**Figure 2.2 – Extent of LWS/SNCI Designation**

2.4 The grassed area between the hoarded area and including the Reading Room and Temple area forms part of the wider Kemp Town Enclosures and the Kemp Town Conservation Area as does part of the wider application site (Figure 2.3) – all heritage assets.



Source: Brighton and Hove City Council

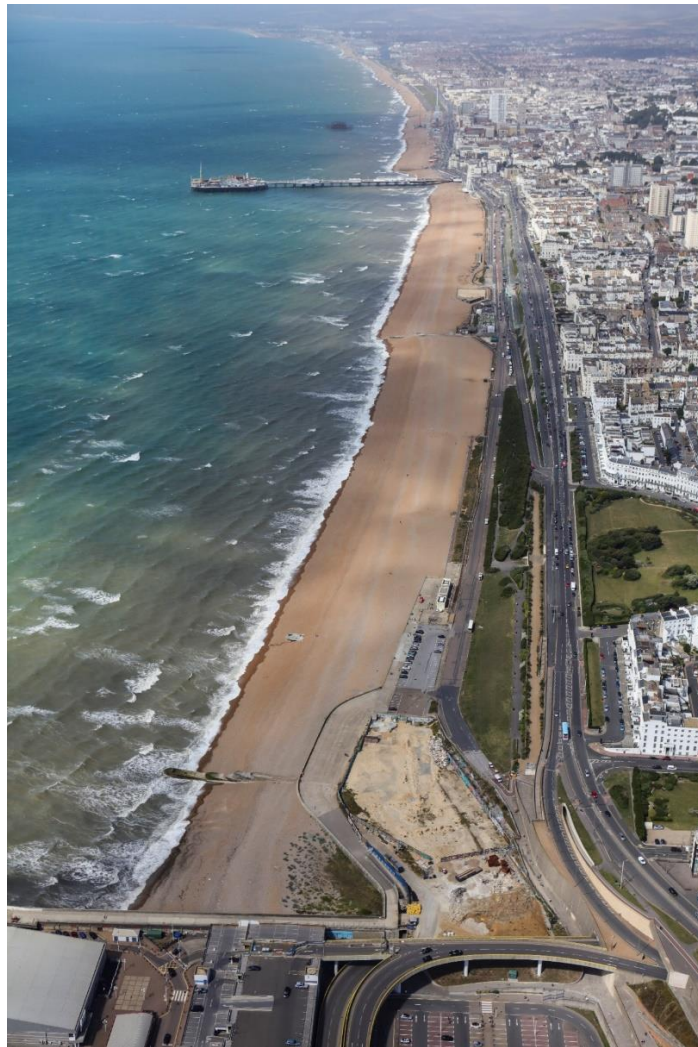
Figure 2.3 – Kemp Town Conservation Area

2.5 Given the size of the overall site, there are a number of different uses, which can be summarised as follows and shown in the aerial images in Figure 2.4 and 2.5:

- Beach;
- Roads, cycleways and pathways;
- Sea wall;
- Volk's Railway including Black Rock Station;
- Planted/vegetated area;
- Heritage assets;
- Derelict/hoarded area.

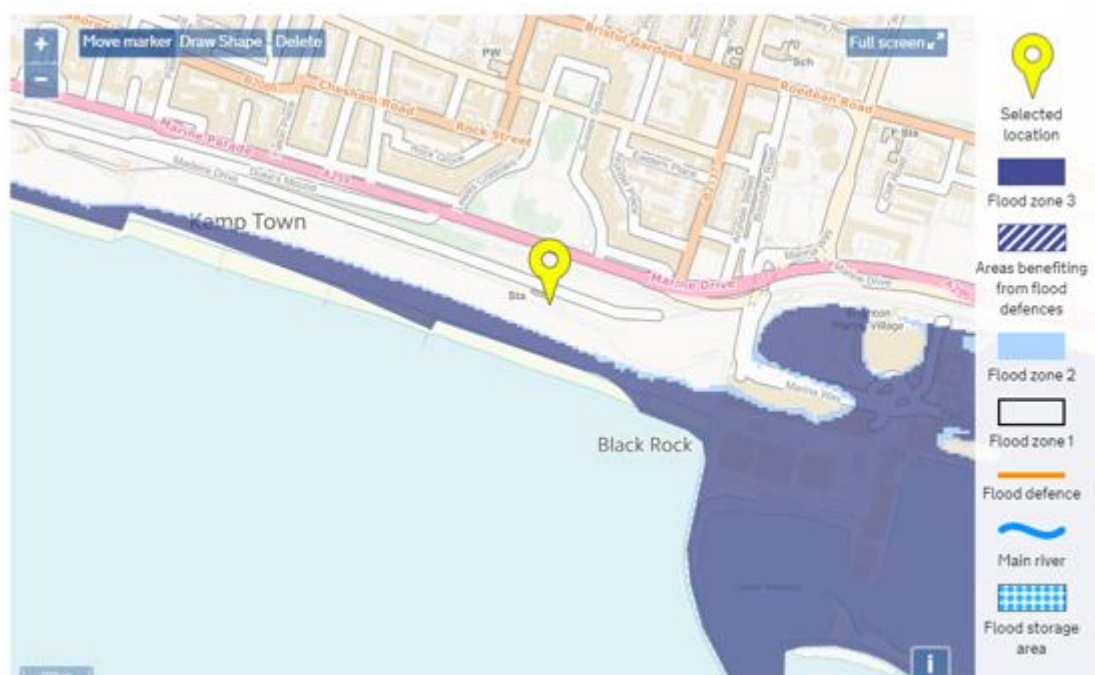


**Figure 2.4 – Aerial Image Looking West**



**Figure 2.5 – Aerial Image Looking West**

2.6 The site lies in Flood Zone 1 with a low risk of flooding as shown in Figure 2.6.



**Figure 2.6: Flood Map for Planning**

Source: <https://flood-map-for-planning.service.gov.uk>

2.7 Whilst the site contains a SNCI/LWS, this is not defined as a ‘sensitive’ location by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Figure 2.7 (source: [www.magic.gov.uk](http://www.magic.gov.uk)) shows the proximity of the nearest designated sensitive site, which is the Brighton and Newhaven Cliffs/Foreshore Site of Special Scientific Interest (SSSI).



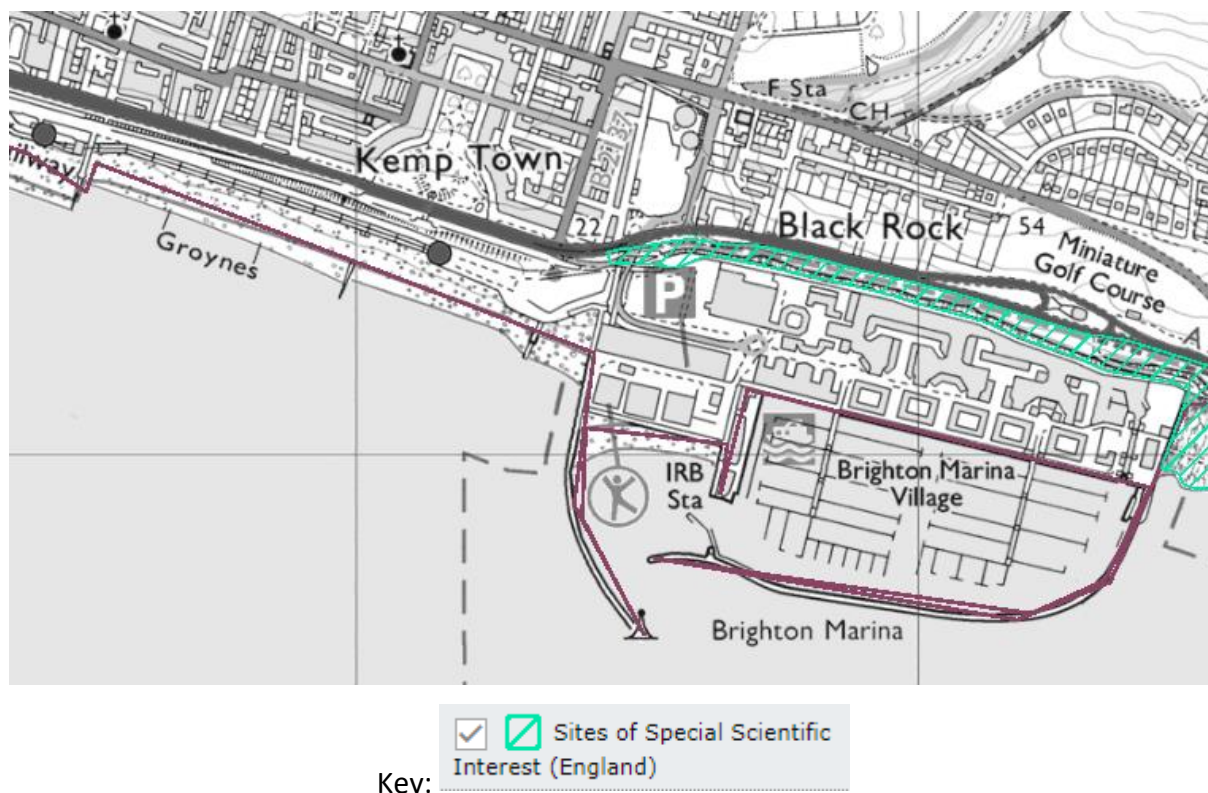


Figure 2.7: Relevant Western Edge to the SSSI that Extends To the East

2.8 The site is not within an Air Quality Management Area (AQMA).

### Adjacent Proposal

2.9 There is a live planning application at Brighton Marina (Council reference: BH2019/00964) for:

“Hybrid planning application for the phased residential-led mixed-use development of Brighton Marina Outer Harbour. Full Planning Permission for Phase Two of the development comprises: 480no residential units (C3) in 3 buildings ranging from 9-28 storeys plus plant levels, 761 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), works to existing cofferdam, undercroft car and cycle parking, servicing, landscaping, public realm works and infrastructure (harbour wall) works. Outline Planning Permission (all matters reserved apart from access) for Phase Three of the development comprises: up to 520no residential units (C3) in 6 buildings ranging from 8-19 storeys, up to 800 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), construction of engineered basement structure to create a raised podium deck over Spending Beach, installation of Navigation Piles, undercroft car and cycle parking, servicing, landscaping and public realm works.”

2.10 The National Planning Practice Guidance (NPPG) confirms in respect of when cumulative effects should be assessed that “Each application (or request for a screening opinion) should be considered on its own merits. There are occasions, however, when other existing

or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.” (Paragraph: 024 Reference ID: 4-024-20170728).

### 3. Nature and Purpose of the Proposed Development

3.1 Section 1 briefly summarised the proposals. The detailed description of development is as follows:

**“Demolition of the existing sea wall and replacement with a new realigned free-standing sea wall structure; the remediation and clearance of the Black Rock site and provision of a temporary surface; the formation of a new access route from Black Rock extending to Brighton Marina, together with enhancement of highways infrastructure for Duke’s Mound at its junctions with Marine Parade and Madeira Drive; construction of a beach boardwalk (from Duke’s Mound to Black Rock Station) incorporating new planting and relocated vegetated shingle for ecology trail; creation of a new activity hub incorporating an informal children’s play area; toilet block; glazing of the existing openings of the Grade II Listed Old Reading Room and Temple and change of use for flexible A1, A3, D1 or D2 Use; widespread enhancement of public realm and landscaping in the vicinity of Black Rock (including the Kemp Town Slopes) to improve physical accessibility and wayfinding for pedestrians and cyclists together with ecological enhancement; and provision of temporary ‘meanwhile uses’ consisting of a public pump track and additional recreational space.”**

Procedurally, a listed building consent application is also required and, in this regard, that description of development is as follows:

**“Glazing of the existing openings at the Grade II listed Old Reading Room and the Temple and restoration of internal fabric, as necessary.”**

#### Background

3.2 6(2)(e) of the Regulations allows for such other information to be submitted as part of the Screening Request. In this instance, it is considered pertinent to provide additional background in terms of the proposed development. Brighton and Hove City Council has been successful in securing funding (Local Growth Fund Bid (Round 3)) of £12.11m to be used to begin a package of enabling works to prepare the Black Rock site for redevelopment. The Black Rock Site is designated within the Council’s City Plan Part One as falling within Development Area DA2 (sub site C3) with an allocation for **‘7,000 sq.m of leisure and recreation use in addition to ancillary retail and café uses associated with the primary leisure use.’** Adopted Policy DA2 also seeks the provision of enhanced connections with the Marina and Gas Works site which form the remaining opportunity areas under the DA2 site allocation. The elements proposed under the detailed planning application firstly consist of enabling development to lay the foundations for future redevelopment of the Black Rock site, aligned with works of general enhancement in public realm and site connectivity for Black Rock and its

surrounds. These development proposals have been determined to meet the core objectives set by the Coast to Capital (C2C) Local Enterprise Partnership (LEP) in awarding this funding.

#### The Intent of the Application Scheme

- 3.3 This scheme primarily seeks to provide the physical infrastructure to facilitate future long-term development of the Black Rock site in accordance with the aspirations of City Plan Part One - Policy DA2. In meeting this primary planning objective, the proposed range of site preparation and enabling works is also designed to maximise future flexibility and to optimise connectivity.
- 3.4 As part of the broader package of works to facilitate long-term redevelopment of Black Rock, the application scheme also proposes a beneficial suite of measures to generate more immediate visual, environmental, operational and social betterment of Black Rock and its surrounds for the benefit of the community. All of these additional works of public realm enhancement will be retained in the long term and will enhance the deliverability of future redevelopment proposals for the site with the exception of the two temporary community focused ‘meanwhile uses’ consisting of the public pump track and additional recreation space located adjacent to the new sea wall.
- 3.5 The scheme of works proposed under this enabling and public realm project are therefore broken down into the following three categories:
- Core enabling infrastructure;
  - Public realm enhancement (Black Rock and its’ surrounds); and
  - Beneficial meanwhile use.
- 3.6 The proposed development is summarised within these categories in the following paragraphs.
- 3.7 In delivering the **core enabling infrastructure** to facilitate future redevelopment of the Black Rock site, the primary components of the scheme in delivering this requirement are:
-

- Decontamination and preparation of the Black Rock Site;
- Consolidating, securing and expanding the Black Rock site through the provision of a realigned new sea wall to provide a site area of appropriate size and configuration for meaningful development behind new sea defences;
- Enhanced transport connections to the Black Rock site through provision of a new access link to Black Rock and beyond to the Marina;
- Improved connectivity to the site through providing infrastructure improvements to the local highway network at the Duke's Mound junctions (junctions with Madeira Drive and Marine Parade).

3.8 The implementation of these core infrastructure works will help to provide the impetus for significant long-term redevelopment of the Black Rock site.

3.9 The following additional works of **public realm enhancement** will be retained in the long term and will firstly enhance the deliverability of future development proposals for Black Rock, and secondly will provide immediate benefit to the surrounding community:

- New planting and relocated vegetated shingle set within an accessible beach boardwalk. Ecological enhancement to include clearance of scrub and appropriate replanting and landscaping within the Kemp Town Slopes, together with provision of historical interpretation boards;
- A new activity hub including provision of an informal children's play area, enclosure and restoration of the historic Grade II Listed Old Reading Room and Temple (to enable future viable use), new shelter, toilet and lock up facilities; and
- Widespread improvements to pedestrian and cycle connectivity to the Black Rock site and beyond, including enhanced means of access to the Marina, beach, Undercliff Walk, Kemp Town Slopes, Madeira

Drive and Duke’s Mound combined with widespread enhancement of legibility and wayfinding for all users.

3.10 Finally, a series of short-term enhancements are proposed on site for the more immediate benefit of the surrounding community under the banner of ‘**meanwhile uses**’. These consist of the following:

- Creation of a temporary events space and venue upon the cleared Black Rock Site;
- Provision of a temporary pump track for public use next to the new sea wall; and
- Provision of a new additional temporary recreation space next to the new sea wall consisting of a half court and basketball net for public use.

## **4. The EIA Regulations**

### **Legal Context**

- 4.1 EIA is a systematic and objective process through which the likely significant environmental effects of a development can be identified, assessed and, wherever possible, mitigated. Screening is the first stage in the process to determine if the proposed development should be subjected to EIA.
- 4.2 EIA is governed by European Directive 2011/92/EU for the ‘assessment of effects of certain public and private projects on the environment’ (“the EIA Directive”). Most recently, substantial amendments to the EIA Directive have been adopted (Directive 2014/52/EU) and now transposed into English Law through the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – *i.e.* the EIA Directive sets out the objectives of EIA whilst the Regulations set out the procedures required to meet those objectives within the context of the English planning system.
- 4.3 The current EIA Regulations came into force on 16 May 2017, with a number of changes being made to the EIA process, covering Screening, Scoping and the production for an Environmental Statement.
- 4.4 In relation to Screening, proposed developments to ascertain whether they should be subject to EIA, the following principle changes have come into force:
- Any extension of time over and above the initial 3-week screening period is limited to no more than 90-days;
  - There is more focus on frontloading the provision of information and identification of mitigation; and
  - Focus on tried and tested industry standard mitigation.

### **The Steps in Screening for EIA**

- 4.5 In determining whether the proposed development constitutes EIA development, consideration must be given to the following:

- If the proposed development is of a type listed in Schedule 1 of the Regulations;
- If not, whether it is listed in Schedule 2;
- If so, whether it is of more than local significance, located in an environmentally sensitive area or likely to give rise to unusually complex and potentially hazardous effects; and/or
- It meets any of the relevant thresholds and criteria set out in Schedule 3.

4.6 For developments described in Schedule 1 of the Regulations ('Schedule 1 development') the EIA process is mandatory.

4.7 For developments of a type described in Schedule 2 of the Regulations ('Schedule 2 development'), an EIA may be required if the development has the potential to give rise to 'significant' environmental effects by virtue to its nature, size or location.

4.8 If the proposed development is of a type described in Schedule 2, then two further criteria should be considered:

- If the proposed development is located in or partly located in a 'Sensitive Area' as defined in the Regulations; or
- If the proposed development exceeds the respective applicable threshold in Schedule 2.

4.9 Should either criteria be met, the proposed development will require screening against the selection criteria set out in Schedule 3 of the EIA Regulations. Further indicative thresholds and other guidance are also provided in the NPPG. In addition, a useful checklist is available from the Planning Portal website. If neither of the above criteria is met, the proposed development does not require formal screening for EIA.



### **Consideration of the EIA Regulations**

- 4.10 The requirement for EIA is either mandatory or conditional, depending on the classification of the development project. This is based, in turn, on the likelihood of significant impacts arising.
- 4.11 The proposal is not Schedule 1 development as defined by the Regulations - therefore, an EIA is not mandatory. It is important to give regard to the ruling of the Court of Justice of the European Union that the Directive has a **“wide scope and broad purpose”** (in the Court of Justice of the European Union case (Kraaijeveld v Holland)). The fact that a particular development is not specifically identified in one of the Schedules does not necessarily mean that it falls outside the scope of the Regulations. For example, the Schedule 2 Part 10(b) category, “urban development” (which accounts for by far the largest proportion of Environmental Impact Assessment development in England), includes residential and other development of an urban nature. Whilst examples of urban development are given, the list is not exhaustive and as such it is considered prudent in this instance to screen under that Part 10(b) that states:

**‘Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.’**

- 4.12 The applicable thresholds (i and iii) to the proposed development are as follows:
- i. The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
  - iii. The overall area of the development exceeds 5 hectares.
- 4.13 In respect of both elements, it is confirmed that the site area is approximately 10ha and thereby exceeds these thresholds.
- 4.14 The NPPG provides guidance where thresholds in Schedule 2 are exceeded (or fall below) and states **‘...it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below the thresholds could never**

**give rise to significant effects, especially where the development is in an environmentally sensitive area. Each development will need to be considered on its merits.'**

4.15 For completeness and as previously stated within this Chapter, it is confirmed that the proposals are not located - whole or part - in a Sensitive Areas as defined by the Regulations.

4.16 In addition for this project, it is considered that the proposals should also be screened under Part 10 (m), which applies to all development:

**“Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.”**

4.17 It is for these reasons that the criteria described in Schedule 3 of the EIA Regulations are considered. The over-riding determination for EIA is whether the proposed development is likely to result in significant impacts on the environment.

4.18 As previously stated, Schedule 3 of the EIA Regulations sets out the screening criteria in relation to proposed developments classified as Schedule 2 developments. These criteria seek to understand the character and complexity of impacts as well as any sensitivities which relate to the site. In summary, the criteria fall under the following three headings:

- Characteristics of the development – taking into account the size, use of natural resources, production of waste and emissions and risk of accidents;
- Location of the development – consideration of environmental sensitivity of geographical areas likely to be affected by development; and
- Types and characteristics of the potential impact – specifically having regards to the extent, magnitude, complexity, probability, duration, frequency and reversibility of the impact.

4.19 To assist in the evaluation of Schedule 3 criteria, an EIA Checklist has been devised by the Government and is used by the Planning Casework Unit and the Planning Inspectorate when screening for EIA development. Whilst there is no obligation to use it, local planning authorities may find it a useful foundation for the screening process. In essence, it captures the contents of Schedule 3 in a manageable format. The following section is an appraisal of the proposed development in the context of the above Schedule 3 criteria and a completed copy of the checklist.

## **5. Appraisal of Schedule 3 Criteria**

### **Introduction**

- 5.1 This section provides an appraisal of the proposed development, considering Schedule 3 criteria of the EIA Regulations. First to be considered are the characteristics of the development; and secondly the location of the development.

### **Characteristics of Development**

#### Size of the development

- 5.2 The application site is approximately 10 hectares including a new sea wall of a differing line to the extant, which will be demolished.

#### Cumulative effects

- 5.3 The development site is part of the established urban grain albeit the physical built form is minimal. In this regard, the physical changes are not considered significant and as such a scale that there is unlikely to result significant cumulative effects.
- 5.4 The following pages contain the completed EIA checklist.

Question	Briefly explain answer to Part 2a and, if applicable and/or known, include name of feature and proximity to site <b>(If answer is 'No', the answer to next column is 'N/A')</b>		Is a significant effect likely, having regard particularly to the magnitude and spatial extent (including population size affected), nature, intensity and complexity, probability, expected onset, duration, frequency and reversibility of the impact and the possibility to effectively reduce the impact? If the finding of no significant effect is <b>reliant on specific features or measures</b> of the project envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment <b>these should be identified in bold.</b>	
<b>Natural resources</b>				
Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area?	No		N/A	
Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials/minerals or energy which are non-renewable or in short supply?	Yes	A very limited amount of natural resources would be required during construction.	No	The effect would be low due to the true scale of the development in the existing context. The operation of the works would not involve the use of natural resources.
Are there any areas on/around the location which contain important, <b>high quality or scarce resources</b> which could be affected by the project, e.g. forestry, agriculture, water/coastal, fisheries, minerals?	No	None such exist.	N/A	

Waste				
Will the project produce solid wastes during construction or operation or decommissioning?	Yes	During the construction phase.	No	The depositing of the waste could be recycled where appropriate and disposed of at a licensed site. There will not be a significant effect.
Pollution and nuisances				
Will the project release pollutants or any hazardous, toxic or noxious substances to air?	Yes	Increased vehicular movements.	No	The additional vehicles may result in a low-level release of pollutants but not to the extent that would be different in nature to the existing. Any impact would be low at most.
Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Construction noise.	No	There would be a limited amount of noise during construction but not to the extent of being harmful. The effect would be short term and distanced from dwellings and/or other sensitive receptors and can be controlled by a Construction Management Plan.
Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	A desktop study has been undertaken and the risks assessed as moderate. Ground investigative works will be undertaken and can be secured by way of a planning condition so as to ensure that the nature of works would not result in the release of pollutants or present a risk to contamination of land or water.	N/A	
Are there any areas on or around the location which are already subject to pollution or environmental damage, e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	No	None.	N/A	

Population and human health				
Will there be any risk of major accidents (including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning?	No	None.	N/A	
Will the project present a risk to the population (having regard to population density) and their human health during construction, operation or decommissioning? (for example due to water contamination or air pollution)	Yes	There is always a risk associated with construction but it would be low given the nature and scale of the development. In addition, there would not be an introduction of higher risks that could affect human health as a result of the development.	No	Not significant.
Water resources				
Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The proposals include for a new sea wall and the subsequent demolition of the extant.	No	The enclosed Coastal Modelling Report confirms that the proposed realignment should not have a detrimental effect on the existing flood zones.
Biodiversity (species and habitat)				
Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which	Yes	The proposals include for the removal of the vegetated shingle at the SNCI/LWS (county level importance), its relocation to the west plus additional planting of species locally seeded/sourced. The enclosed EclA also describes other ecological enhancements including the removal of non-native species and the control of human activity during the seeding and operation	No	The proposals in terms of EIA magnitude of effect will be moderate and positive on no more than a local/county level.

could be affected by the project? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local)).		phases. As part of the proposals, a 25-year management plan to all the ecological enhancements will provide for the longevity of the ecology elements. In addition, there will be a significant (as defined by the Defra Metric) net gain in biodiversity units as a result of these proposals.		
Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	As above re: vegetated shingle plus this habitat maybe used by terrestrial invertebrates. There is a low potential for roosting bats and nesting birds.	No	The effects are not considered significant due to the following: <ul style="list-style-type: none"> <li>• Invertebrates – the creation of a larger area will mitigate any impact in any case;</li> <li>• Bats – there is existing construction activity and the implementation of an appropriate lighting strategy could assist further, if necessary;</li> <li>• Nesting birds – again there is existing construction activity plus surveys and construction management can be suitably controlled, as necessary.</li> </ul>
<b>Landscape and visual</b>				
Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? Where designated indicate level of	No		N/A	



designation (international, national, regional or local).				
Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)	Yes	The site location is highly visible.	No	The very low quantity and form of the built development will not result in a significant impact.
<b>Cultural heritage/archaeology</b>				
Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).	Yes	The Kemp Town Enclosures include a Registered Park and Garden in addition to the Grade II Listed Old Reading Room and The Temple. The proposals are within the setting of two conservation areas.	No	The low level of built form will not significantly affect the heritage assets – designated or not. The glazing to the listed buildings will allow for weatherproofing of the buildings in a light touch and sensitive manner.
<b>Transport and access</b>				
Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	No		N/A	
Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental	No	The Valley Gardens Project affects the local congestion levels. However, it is not the case that this proposal will affect that Project. Furthermore, all committed development has been taken account of.	N/A	

problems, which could be affected by the project?				
<b>Land use</b>				
Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.	No	None.	N/A	
Are there any plans for future land uses on or around the location which could be affected by the project?	No		No	
<b>Land stability and climate</b>				
Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	No	None.	N/A	
<b>Cumulative effects</b>				

Could this project together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?	No	There are no known existing and/or approved developments to consider in relation to this development.	N/A	
<b>Transboundary effects</b>				
Is the project likely to lead to transboundary effects? <sup>1</sup>	No	See footnote.	N/A	

<sup>1</sup> The Regulations require consideration of the transboundary nature of the impact. Due to the England’s geographical location the vast majority of TCPA cases are unlikely to result in transboundary impacts.

### **Types and Characteristics of the Potential Impact**

5.5 Finally, Schedule 3 is to consider the likely significant effects of the development on the environment in relation to the criteria set out in paragraphs 1 and 2 of that Schedule, namely the characteristics and location of development taking account of the following:

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact.

5.6 However, none of the criteria identified in the completed checklist are considered to have significant effects as a result of the proposed development. Consequently, there is no requirement to further assess in the context of Schedule 3.

## 6. Conclusions

- 6.1 In accordance with the EIA Regulations, this Screening Request has taken account of the proposed development, its location and the sensitivity of the existing environment. Whilst the site area exceeds the associated exclusion threshold criteria as ‘Urban development Project’ and falls within the remit of including a coastal project to combat erosions, the site is not within a Sensitive Area.
- 6.2 The over-riding determination for EIA is whether the proposed development is likely to result in likely significant effects on the environment. The site is not considered to be sensitive to new development and any environmental impacts are unlikely to be significant, complex or widespread.
- 6.3 In summary, potential environmental effects associated with traffic, air quality, noise, waste, pollution, flooding, ecology, visual and other physical changes resulting from the proposed development have been considered and are not expected to be significant with the standard project/construction mitigation where required.
- 6.4 Consequently, it is not considered that the proposals are EIA development but it is respectfully requested that Brighton and Hove City Council adopts a Screening Opinion in accordance with Regulation 6(6)(a) within three weeks from receipt of this Request or such longer period, not exceeding 90 days from that same date (Regulation 6(6)(b)) in respect of the proposed development.

**NTR Planning Ltd**

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