

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Request for a "Screening Opinion" in respect of the following development:

Proposed Development: Installation of a Wind Turbine Bagots Park, Abbots Bromley	
Introduction: The Council has been requested to adopt a screening opinion as to whether the above development is EIA development requiring the submission of an Environmental Statement.	
Schedule 1: <input type="checkbox"/> No	Schedule 2: <input type="checkbox"/> Yes
The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However, the development falls within Schedule 2, Category 3 (i) as an installation for the harnessing of wind power for energy production. The proposal falls below the 2 or more wind turbine threshold, but exceeds the 15 metre turbine height threshold laid down by the above regulations beyond which an Environmental Statement may be required.	
Circular 2/99: In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Paragraph 33 of Circular 02/99 indicates that the Secretary of State's view is that, in general, EIA will be needed for Schedule 2 developments in three main types of case: a. for major developments which are of more than local importance (e.g. wide ranging environmental effects); b. for developments which are proposed for particularly environmentally sensitive or vulnerable locations (paragraphs 36-40); and c. for developments with unusually complex and potentially hazardous environmental effects. Circular 02/99 Annex A comments on indicative thresholds and criteria for	

identifying Schedule 2 development requiring an Environmental Statement:

Wind Farms

A14. The likelihood of significant effects will generally depend upon the scale of the development, and its visual impact, as well as potential noise impacts. EIA is more likely to be required for commercial developments of five or more turbines, or more than 5MW of new generating capacity.

Assessment:

Paragraph A14 of Circular 02/99 Annex A states that "EIA is more likely to be required for commercial developments of five or more turbines, or more than 5MW of new generating capacity". The proposal involves the installation of a single turbine with a generating capacity of 500KW. The proposal is therefore significantly below the threshold above which Circular 02/99 suggests an Environmental statement is more likely to be required.

However, it is considered that in this instance the proposal is located within a sensitive area. Although the site itself is not of particular landscape quality, the surrounding landscape is designated by the County Council's Supplementary Planning Document 'Planning for Landscape Change' as being of the highest sensitivity, predominantly requiring either 'landscape maintenance' or 'active landscape conservation'.

The site also lies within close proximity to the Goat Lodge Site of Special Scientific Interest, which is a heronry that supports a nationally important concentration of breeding grey herons. Furthermore, the site lies approximately 2.75km (1.7 miles) north-east of Blithfield Reservoir Site of Special Scientific Interest, which is nationally important for goosander and provides an important wintering locality for a variety of birds.

The proposal involves a single turbine of medium scale, which has a relatively low generating capacity. However, the site is elevated above the sensitive landscape to the north, and the proposed turbine would be visible over a wide area. It is therefore considered that the impact of the proposal upon the sensitive surrounding landscape would result in significant effects sufficient to warrant an Environmental Statement.

Furthermore, it is considered that the proposal has a high probability of impacting upon the nearby SSSI at Goat Lodge. Most recent figures suggest that the heron population at Goat Lodge is gradually increasing following its decline to a low of 21 pairs of breeding herons in 2008. In 2009 25 breeding pairs were recorded, and in 2010 28 breeding pairs were recorded. On that basis it is considered that this impact would not be readily reversible. Given that the nearby heronry is of national importance, it is considered that the

impact would have a wider than local importance.

On balance it is considered that the proposal is likely to have significant effects upon the surrounding sensitive landscape and nearby SSSI, and that as such an Environmental Statement will be required in this instance.

Recommendation:

A formal screening opinion be adopted that Environmental Assessment will be required

Team Leader/Planning Manager comments:

The following decision is made by the undersigned in accordance with powers delegated to the undersigned under the provision of S101 of the Local Government Act 1972.

A formal Environmental Statement is required in respect of the development as proposed.

TL/PM Signature



Date 4th October 2011



Philip Somerfield B.A. Dip T.P., D.M.S. M.R.T.P.I
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Our Ref: P/2011/01055/JI
(please quote this reference on all correspondence with us)

Date : 04 October 2011

Dear Madam

**Re: Screening Opinion, Bagots Park
Dunstall Lane
Abbots Bromley
Staffordshire**

I refer to your request for a Screening Opinion in respect of the above proposal, which was received on 13th September 2011.

I confirm that the Local Planning Authority has considered the information submitted, and in accordance with Regulation (5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2010 has concluded that the development does constitute EIA development, and as such a formal environmental statement will be required in this instance.

Yours faithfully

Jonathan Imber

Jonathan Imber
Planner
Planning Delivery

Michael Brown
Planning Officer
East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton upon Trent
DE14 1LS

Date: 7th September 2011
Our Ref: /770

P/11/01055



Dear Mr Brown,

**PROPOSED SINGLE WIND TURBINE AT BAGOT'S PARK, EAST STAFFORDSHIRE
REQUEST FOR SCREENING OPINION**

Arcus has been commissioned by Mr Douglas Dale to request a Screening Opinion from East Staffordshire Borough Council with a view to submitting a planning application for a single turbine at a site to the north of Abbots Bromley. In this role we would like to request a Screening Opinion from the Council to confirm our view that this proposal is not Environmental Impact Assessment (EIA) development and an EIA would not be required.

The Proposed Development

It is proposed to develop a small wind energy development with associated infrastructure (access roads, cabling, grid connection etc.). There will be a maximum of 1 turbine approximately 78 metres (m) in height (to blade tip), with a maximum capacity of 500 kW. The purpose of the development is the production of electrical energy from a renewable resource.

We have included a copy of a map showing an indicative turbine location to give an indication of the possible location for the turbine. We would however emphasise that the proposal is currently in the preliminary design phase and the final position for the single turbine would be confirmed during the assessment period.

The proposed turbine would be located on agricultural land to the north of Abbots Bromley and to the south of Uttoxeter which lies at approximately 157 m Above Ordnance Datum (AOD).

Planning Background

The site is covered by the adopted East Staffordshire Local Plan 2006, there are now no specific policies relating to renewable energy as policy NE25 Renewable Energy was removed in February 2011. This policy was supportive of renewable energy developments provided that they did not: cause unacceptable visual harm; compromise the objectives behind designated sites; affect the amenity of local residents such as noise, affect landscape, historic or archaeological features and lead to unacceptable levels of vehicular traffic on minor roads.

Environmental Impact Assessment Regulations

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (*"The Regulations"*) define EIA development as either:

- a. Schedule 1 development; or
- b. Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Wind turbine development is not listed in Schedule 1 of the regulations.

The threshold for wind energy developments becoming a Schedule 2 development is two turbines or where the hub height of any turbine exceeds 15 m. The proposed wind energy development exceeds the hub height threshold set out in Schedule 2 and as such the local planning authority must determine whether this is EIA Development with regard to Schedule 3 of the regulations.

The criteria set out in Schedule 3 include:

Characteristics of the development;
Location of the development; and
Characteristics of the potential impact.

In each case the key question is whether or not the project would be likely to give rise to significant effects on the receiving environment.

Potential Effects

Wind energy developments have the potential for effects on a variety of receptors in the natural, physical and human environment.

The site is not nationally designated and does not lie within a sensitive area as defined within the EIA Regulations. These sensitive areas include the following:

- National Nature Reserves;
- Sites of Special Scientific Interest (SSSI);
- Special Protection Areas (SPA);
- Special Areas of Conservation (SAC);
- Ramsar Sites;
- Areas of Outstanding Natural Beauty;
- National Parks;
- World Heritage Sites; and
- Scheduled Monuments.

On-site constraints will be identified and incorporated into the final layout design to avoid significant effects.

Clearly this development falls within Schedule 2, and we acknowledge that any application would have to be supported by appropriate environmental information. However we do not believe that the impacts will be significant due to the scale of the proposed turbine.

Supporting Information

Our experience of similar sized developments suggests that the information necessary to support this scale of application can be provided in a supporting report and an EIA is not required. The report would detail

the relevant environmental studies and consideration of the effects of the wind energy development. It is proposed that the report would include consideration of the following:

- landscape impacts;
- surrounding land uses;
- noise issues;
- shadow flicker;
- Planning Policy Assessment

Consultation will be undertaken with statutory and other bodies as appropriate and additional environmental reporting will be included if specific key issues are identified. This will include consultation to identify aviation, telecommunications and infrastructure constraints which will be taken into account in the final layout design. The work will also contain an Introduction, and Site and Project Description. Individual assessments and any supporting surveys will take into account relevant guidance, best practice and legislation.

Request for Screening Opinion

We request that East Staffordshire Borough Council confirm the following:

- That the proposal does not constitute EIA development and an EIA is therefore not required;
- That the approach outlined above would be acceptable in support of the planning application; and
- That the range of topics proposed to be covered is adequate.

In accordance with Regulation 5 we have enclosed a copy of a site location plan with the indicative turbine location. The proposed development, its purpose and principal potential impact has been described above.

We understand that under regulation 4 – (7) (a) of The Regulations, that where the local planning authority adopt a screening opinion to the effect that the development is EIA development, *"that opinion or direction shall be accompanied by a written statement giving clearly and precisely the full reasons for that conclusion"*. We also understand that in regulation 5 – (5) *"An authority shall adopt a screening opinion within three weeks beginning with the date of receipt of a request made pursuant to paragraph (1) or such longer period as may be agreed in writing"*.

We look forward to hearing from you in response to this Screening Request. Should you require any further information please do not hesitate to contact us.

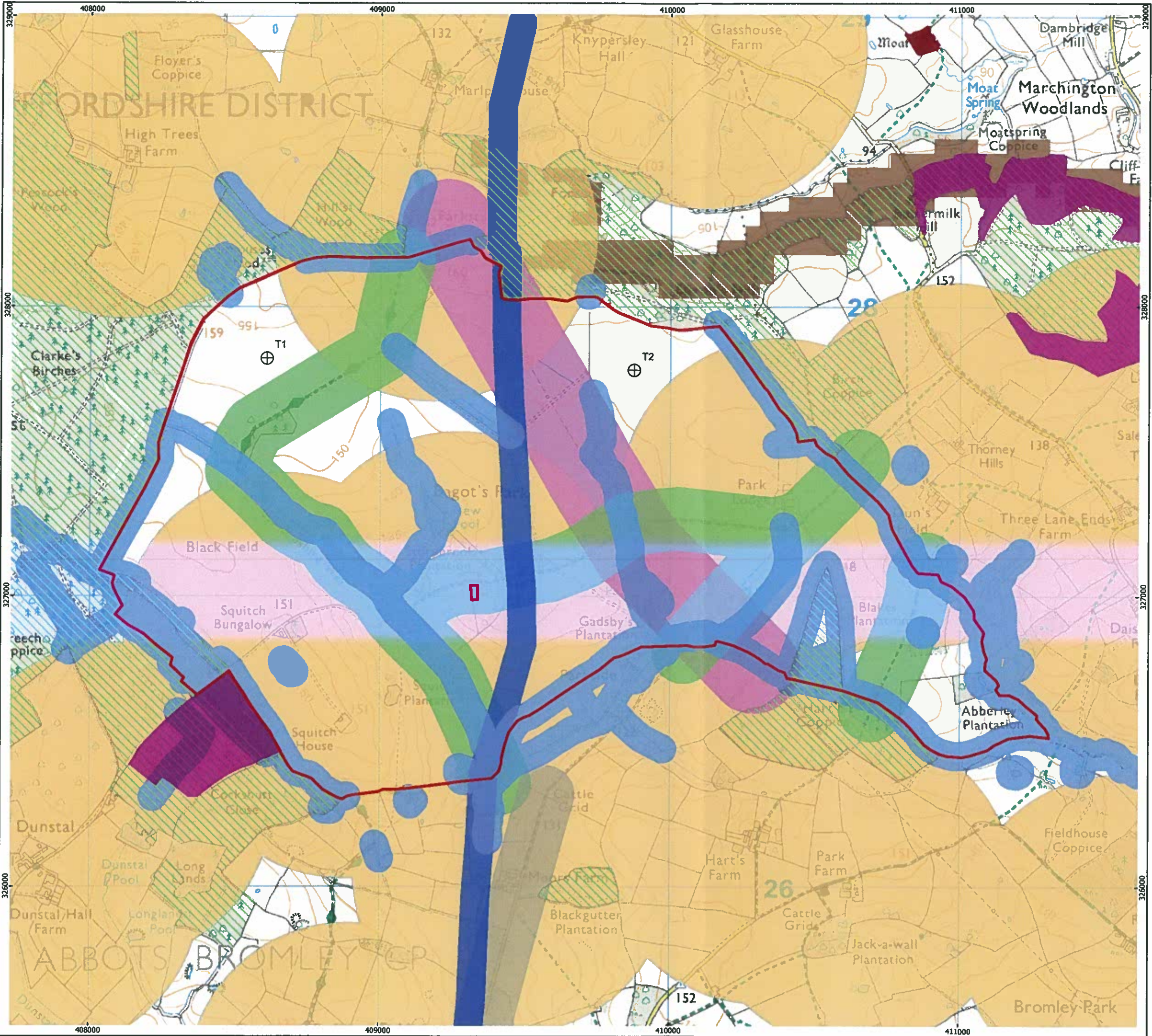
Yours sincerely

On Behalf of Arcus Renewable Energy Consulting Ltd.

Fiona Campbell MRTPI
Principal Planning Consultant

Encs: Site Location Plan

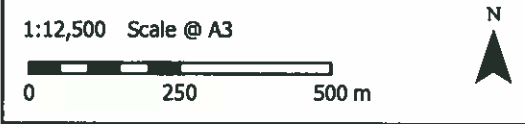
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 13 SEP 2011
arcus

- Key**
- ⊕ Proposed Turbine Location
 - ▭ Site Boundary
 - 50 m Buffer of Pipeline
 - 50 m Buffer of Watercourse
 - 100 m Buffer of Road
 - 110 m Buffer of Public Right of Way
 - 160 m Buffer of Powerline
 - 550 m Buffer of Residential Property
 - ▨ Ancient Woodland Inventory
 - Scheduled Monument
 - Site of Special Scientific Interest
 - > 15% Slope

Turbine No.	Easting	Northing
1	408610	327821
2	409875	327781



Produced: VM
 Reviewed: LHu
 Approved: FC

Ref: 029/ENV/003 Revision: A
 Date: 13/09/2011

Constraints & Proposed Turbine Location

Bagot's Park Feasibility