

CS/01/n1712

Mike Gildersleeves  
Assistant Director: Planning  
Boston Borough Council  
Municipal Buildings  
West Street  
Boston  
Lincolnshire, PE21 8QR

Sent via email only:

22<sup>nd</sup> October 2021

Dear Mr Gildersleeves

**REQUEST FOR SCREENING OPINION UNDER REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 FOR THE DEVELOPMENT OF UP TO 350NO. DWELLINGS VIA AN APPLICATION FOR FULL PLANNING PERMISSION ON LAND TO THE WEST OF TOOT LANE, BOSTON**

nineteen47 is instructed by Terra Strategic ["our Client"] to progress proposals for a residential development of up to 350no. dwellings ["the Proposed Development"] on land to the west of Toot Lane in Boston ["the Site"] and, as part of the early stages of that process, we write to formally request an Environmental Impact Assessment ["EIA"] Screening Opinion from Boston Borough Council ["the Council"] under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ["the EIA Regs"].

Accordingly, this request includes the following information, in accordance with Regulation 6 (2) of the EIA Regs:

- a) a plan sufficient to identify the land;
- b) a description of the development, including in particular:
  - i. a description of the physical characteristics of the development and, where relevant, of demolition works;
  - ii. a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- c) a description of the aspects of the environment likely to be significantly affected by the development;
- d) to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from:
  - i. the expected residues and emissions and the production of waste, where relevant; and
  - ii. the use of natural resources, in particular soil, land, water and biodiversity; and

- e) such other information or representations out Client may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

## Background

On 14<sup>th</sup> January 2016, a hybrid planning permission was granted on this Site for the following description of development under reference B/14/O103:

**Outline application for the erection of residential development (340no. homes) in three phases and a School Nursery building with all matters (layout, scale, appearance, landscaping and access) reserved for future consideration but including the widening of the northern section of Toot Lane to provide a school drop-off point and now with details of access and layout for defined Phase1 residential development submitted for consideration (layout and access for 85 dwellings in Phase 1).**

The hybrid permission was subject to 15no. conditions and a s.106 Agreement. The timescales for the submission of reserved matters pursuant to the hybrid permission are considered by the Council to have since lapsed.

## The Site

The Site extends to approximately 11 hectares of agricultural land and is shown edged red on the enclosed Site Location Plan (ref: n1712 100). The Site is enclosed by the carriageway of Toot Lane to the east; by the boundaries of properties on Churchill Drive, Eastwood Drive and Meridian Road to the north; by the boundaries of properties on Taylor Close and Smalley Road to the west; and by an open Internal Drainage Board drain to the south.

The Site is accessed from Toot Lane.

The Site is not located in a conservation area and includes no statutory heritage assets.

The Site is located within the settlement limits for Boston as defined in the South East Lincolnshire Local Plan (March 2019), which also defines the Site as a housing commitment.

## The Proposed Development

Our Client proposes to submit an application for full planning permission to the Council for the development of up to 350no. dwellings, plus associated works for access roads, garages and parking, landscaping and open space.

At this stage, it is anticipated that the Proposed Development will comprise a continuous build process with potentially 2no. outlets, resulting in circa. 100no. dwellings being completed per year and an overall construction period of less than 5 years.

The principal access to the finished development will also be from Toot Lane, though with potential also for pedestrian and cycle linkages into existing surrounding roads and paths.

## Determination of whether the EIA is required

'Screening' is a procedure used to determine whether a proposed development is likely to have significant effects on the environment.

A local planning authority should determine whether the development is of a type listed in Schedule 1 or Schedule 2 of the EIA Regs. In general terms, if the type of development is listed in Schedule 1, an EIA is required in every case; whereas if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

If a proposed development is listed in the first column in Schedule 2 and exceeds the relevant thresholds or criteria set out in the second column ["the Exclusion Thresholds and Criteria"] the development needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an EIA is required. Projects listed in Schedule 2 which are located in, or partly in, a 'Sensitive Area' also need to be screened, even if they are below the Exclusion Thresholds and Criteria or do not meet the criteria. Sensitive Areas as defined in the EIA Regs include Sites of Special Scientific Interest and European Sites; National Parks, The Broads and Areas of Outstanding Natural Beauty; and World Heritage Sites and Scheduled Monuments.

Projects which are described in the first column of Schedule 2 but which do not exceed the Exclusion Thresholds and Criteria, or meet the criteria in the second column of the Schedule, or are not at least partly located in a Sensitive Area, are not Schedule 2 development.

In this instance, the Proposed Development is not of a type listed in Schedule 1 but instead falls within the definition of Category 10 (b) of Schedule 2 relating to Urban Development Projects. The Site is not located in a Sensitive Area. The Proposed Development therefore needs to be assessed against the Exclusion Thresholds and Criteria associated with Category 10 (b) developments, which are as follows:

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

In this instance, the Proposed Development does not involve more than 1 hectare of urban development which is not associated with dwellinghouse development (Criterion i); but does include more than 150 no. dwellings (Criterion ii) and has an overall site area exceeding 5 hectares (Criterion iii) and, as such, exceeds the Exclusion Thresholds and Criteria for Category 10 (b) developments, as listed in the second column of Schedule 2.

Where a proposed development exceeds the aforementioned Exclusion Thresholds and Criteria, the local planning authority must then establish the likelihood that the development will result in significant environmental effects and therefore require an EIA, taking account of the selection criteria in Schedule 3 of the EIA Regs, including in terms 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.

To aid local planning authorities in determining whether a development is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced ["Indicative Screening Thresholds"], which give an indication of the types of impact that are most likely to be significant for particular types of development, as referenced in the Planning Practice Guidance ["the PPG"] at Paragraph: 058 Reference ID: 4-058-20150326. For Category 10 (b) Urban Development Project developments, the Indicative Screening Thresholds are as follows:

**Environmental Impact Assessment 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.**

**Sites which have not previously been intensively developed:**

- i. **area of the scheme is more than 5 hectares; or**
- ii. **it would provide a total of more than 10,000sqm 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 1,000no. dwellings).**

In this instance, the Site has not previously been intensively developed. The area of the development is more than 1 hectare (Criterion i); does not provide more than 10,000 sqm of commercial floorspace (Criterion ii); and would not have significant urbanising effects in a previously non-urbanised area, with the 350no. dwellings proposed falling significantly short of the 1,000no. dwellings referenced in the Indicative Screening Thresholds and with established residential areas to at least 2no. sides of the Site.

The PPG advises that only a very small proportion of Schedule 2 development will require an EIA, further advising that it should not be presumed that developments above the Indicative Screening Thresholds should always be subject to assessment and with each development needing to be considered on its merits.

In this respect, our request for a Screening Opinion is also accompanied by a completed EIA Screening Checklist (as used by the Planning Inspectorate and referenced in the PPG at Paragraph: 018 Reference ID: 4-018-20170728) and with this concluding that the Proposed Development will not result in significant environmental effects.

Furthermore, in this instance, the hybrid planning permission previously granted on the Site represents a key material consideration in determining whether the Proposed Development should require an

EIA. The development granted in the hybrid permission was not significantly different from now proposed, in terms of its use and the amount of development proposed and was not deemed by the Council to require an EIA. Whilst that permission was granted under the jurisdiction of the 2011 EIA Regs (as amended), the Exclusion Thresholds and Criteria associated with Category 10 (b) Urban Development Projects were increased with the publication of the 2017 EIA Regs. As such, if the residential development approved in the 2016 hybrid permission was not considered by the Council to require an EIA, it is reasonable to conclude that the residential development now proposed should also not require an EIA.

It is instead anticipated that the environmental effects of the proposed development can be appropriately assessed across a series of technical reports that will accompany the application for full planning permission, comprising the following (in addition to the necessary plans and drawings):

- Planning Statement;
- Design & Access Statement;
- Transport Assessment;
- Travel Plan;
- Flood Risk Assessment and Drainage Strategy;
- Phase I Ground Investigation Report;
- Tree Survey and Arboricultural Implications Assessment;
- Biodiversity Survey and Report;
- Phase 1 Archaeological Evaluation Report; and
- Air Quality Assessment.

We would be grateful for confirmation that the list above comprises a comprehensive suite of technical reports in support of an application for full planning permission for the Proposed Development for validation purposes.

## Summary and Conclusion

On behalf of our Client, we formally request a Screening Opinion from the Council to determine whether the Proposed Development constitutes EIA development.

Our request for a Screening Opinion has been prepared to provide relevant information to assist the Council in its determination of its Screening Opinion. The request has provided a description of the Site and its surroundings, a brief summary of the Proposed Development and an evaluation of potential effects of on the environment.

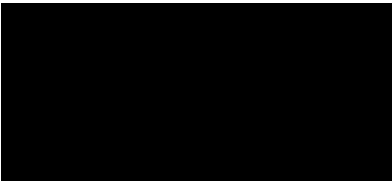
The Proposed Development has been assessed in accordance with the screening process as set out in the EIA Regs and the PPG and with this concluding that:

- The Proposed Development is of a category described in Schedule 2;
- The Site is not located within a Sensitive Area;
- The development of the Site is above some of the Exclusion Thresholds and Criteria in Schedule 2;
- The development of the Site is above some of the Indicative Screening Thresholds referenced in the PPG;

- The Proposed Development is not considered to result in significant environmental effects;
- The Proposed Development does not constitute EIA development and therefore does not need to be supported by an Environmental Statement.

We look forward to receiving the Council's formal Screening Opinion that an EIA will not be required as part of the forthcoming application for full planning permission within the statutory three-week period. If you have any queries in respect of this matter, please do not hesitate to get in touch.

Yours sincerely



Carl Stott  
Director

BA (Hons) MA TP (Urban Conservation) MRTPI | Associate EIA Practitioner

[carl.stott@nineteen47.co.uk](mailto:carl.stott@nineteen47.co.uk)

Enc. Site Location Plan (ref: n1712 100)  
EIA Screening Checklist

cc. [planning@boston.gov.uk](mailto:planning@boston.gov.uk)