

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Regulation 8 - Subsequent applications where environmental information previously provided

Application for Reserved Matters at Germany Beck, Fulford, York

Regulation 8 applies to the above application, because it is a subsequent application in relation to Schedule 2 development that has not itself been the subject of a screening opinion or screening direction and is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, and the original application was accompanied by a statement referred to by the application as an environmental statement.

The following is an assessment undertaken by the Local Planning Authority (LPA) to assess whether the environmental information already before the authority is adequate to assess the environmental effects of the development insofar as they relate to the current Reserved Matters application (RMA), reference no. 12/00384/REMM, and whether the Environmental Statement (ES) produced at the outline stage needs to be updated or revised prior to the determination of the RMA.

The outline planning application (OPA) for the residential development of the site on land at Germany Beck, was submitted in April 2001 and was accompanied by an ES in accordance with the Environmental Impact Assessment Regulations. The ES was updated through supplements during the course of the OPA in 2003 and 2006. The 2001 statement and subsequent supplements comprise the original Environmental Statement.

Outline approval was granted in 2007 by the Secretary of State for Communities and Local Government following a public inquiry and recommendation to approve by the Planning Inspectorate.

The topic areas that formed part of the original 2001 ES have been considered by the LPA with regard as to whether further information is required prior to the determination of the RMA.

Air Quality

An air quality assessment was undertaken in 2001, which was subsequently revised in 2003 and 2006. The most recent assessment was undertaken in 2006 and makes various predictions of what air quality will be like in 2010 and 2017, with and without the operational traffic associated with the Germany Beck development.

The submitted AQ assessment is considered to be out of date for the following reasons:

- Air quality along the Fulford Road corridor has deteriorated over the last few years. In April 2010, CYC declared a further Air Quality Management Area (AQMA) along Fulford Main Street and the Council now has a legal duty to improve AQ in this area.
- The baseline (without-development) air quality conditions along the corridor are now significantly different from those assumed within the 2006 assessment. There is also a considerable mis-match between the air quality predictions for 2010 (made in the 2006 report), and the actual 2010 air quality concentrations monitored by the Environmental Protection Unit at that time.
- The approach used for the assessment has now been updated (DMRB). It is likely that this approach would now no-longer be appropriate and should be replaced with detailed air quality dispersion modelling undertaken from the outset.
- The background AQ concentrations assumed in the assessment are out of date and would not be appropriate for an up to date assessment.
- National guidance on assessing changes in air quality concentrations has been updated (Development Control : Planning for Air Quality – 2010 update [EPUK]), as has DEFRA's technical guidance note on local air quality management (LAQM.TG(09))
- The modelled receptors used in the study are not concentrated in the worst case areas based on recent monitoring in the area.

- PPS23 confirms that air quality deterioration may be cumulative and that it will be necessary to consider the effects of multiple developments on the air quality of an area.

As a result, there is concern that since the outline consent was granted there has been a significant material change to the area which will be adversely impacted further by the proposed reserved matters application.

As previously advised it is requested that the air quality assessment needs to be revised, irrespective of whether traffic generation figures for the operation of the site are significantly different from those assumed in the earlier (2006) assessment.

In addition, it is requested that the applicant considers what measures could be included to mitigate against any adverse air quality issues arising from the development. Consideration should be given to a number of options such as:

- Electric vehicle recharge points (to all garages on site and communal parking areas?)
- Restricting use of fire places on the development through either designating the whole site as a smoke control area or applying the same requirements (i.e. use of authorised smokeless fuels or exempt fireplaces)
- Provision of low emission car club vehicles on site and also to Main Street in Fulford
- Provision of a pool bike scheme for residents
- Provision of broadband network for home working
- Provision of travel planners advice for owner/occupiers
- Contribution to bus infrastructure levy
- Bike storage provision for all residential dwellings
- Provision of safe walkway/routes to schools on bike and foot

Noise and Vibration

Conditions were attached to the outline consent to address the amenity of local residents from noise, vibration and dust during the construction phases as well as measures to protect the residents of the care home from traffic along the spine road.

Accordingly, there is considered to be no need for further information to be submitted with regards noise and vibration issues.

Hydrology and Drainage

It is considered that the flood risk mitigation measures required by the conditions attached to the outline planning approval and included in the Section 106 Agreement, are sufficient to address the environmental impacts of the development with regards to flood risk. The approach taken in the ES is in accordance with the approach of Planning Policy Statement 25 Development and Flood Risk and the Council's 2007 Strategic Flood Risk Assessment. As a result the terms of approval are robust to ensure that the developer submits adequate details to provide adequate protection to the site and surrounding area in terms of flood risk.

No further information to the ES is therefore required.

Transportation

There are currently no grounds to seek supplementary information as a result of the reserved matters submission. This is based on the fact that the current application shows a reduction in the number of housing units from what was originally intended, and that there has been a slight reduction in daily traffic movements on the adjacent highway network since the original traffic impact assessment report was undertaken.

Landscape and Visual Amenity

It is noted that an up to date tree survey has been provided with the reserved matters application as required by condition 5 of the outline approval.

It is considered that view points be checked for any changes that may have significantly altered the views within the original assessment, such as lost/additional vegetation/structures.

If there is no change to the physical and visual context of the site nor to key views from the site, then there is no need to reassess this Chapter of the ES.

Ecology and Nature Conservation

It is considered that there is no requirement for any additional information with regard to the ecology and wildlife interest of the proposal to be submitted. The existing ES data is adequate for this, particularly as the suggested amendments appear to be beneficial to wildlife and to reduce the impact of the development, especially along the Germany Beck corridor. Here, the retention of the existing beck and its adjacent habitat means that there is likely to be less disturbance to existing species using the site and so less detrimental impact. The overall design changes also appear to be beneficial.

In addition, the Local Planning Authority is not aware of any new environmental impacts that need to be considered.

With regard to protected species, the only issue is bats. However, the work is unlikely to be severely disadvantageous and was adequately covered in the ES. As the situation has not changed dramatically, there is no further work necessary at this time with regard to the ES. Any new ponds that may or may not have been put in are unlikely to have developed any Great Crested Newt interest in the short space of time since the last assessment, particularly if associated with the areas of arable land which are of limited value for amphibians in any case.

It is considered that no further information is necessary in order for the Council as Local Planning Authority to be able to consider a reserved matters application with respect to the ecological implications and mitigation aspects of the development.

Agriculture

The ES considered the quality of the agricultural land and the impact of the development on the land and farm holdings. It is considered that the status of the land and position with regards its loss as a result of the development remain unchanged since the production of the ES. As a result, it is considered that no further information is required to be submitted.

Ground Contamination

It is noted that an area of ground contamination is present within part of the site. This was assessed as part of the ES at outline stage and an appropriate condition was attached to the approval to ensure a suitable risk based remedial strategy is developed based on the findings of the site investigation. In light of this, no further information is considered necessary.

Cultural Heritage and Archaeology

The ES should be reviewed to take account of the archaeological work carried out in the area since the original ES was written and which could have implications for the conclusions presented in the ES.

The works include the following, which the review will need to take account of:

(a) the published report on the work carried out at Fulford by Chas Jones (*Finding Fulford, the search for the first battle of 1066*, C Jones, 2011); and

(b) the archaeological excavations and geo-archaeological investigations that have been carried out at the site of Campus 3, the results of which may have implications for our understanding of the development of the post-glacial landscape south of the York moraine and east of the River Ouse.

The Fulford Village Conservation Area boundary has been extended to include the area containing the access road to the site from A19 since the outline planning application was determined. The area is shown as Area D in paragraphs 5.14-5.20 of the appraisal. The boundary extension should be reflected in any update of the ES though no further information is required prior to determination of the reserved matters application.

Socio-Economic Factors

The impact of the residential development of the site on the socio-economic factors for the City and surrounding area was assessed as part of the ES at outline stage. Provision is made within the Section 106 Agreement in connection with the outline approval for financial contributions towards education facilities in the area. Land is to be made available within the scheme for a health facility if it is considered necessary by the health authority. No further information is required at this stage.

Recreation

The scheme included the provision of additional public open space, play areas and sports facilities on site and the secured payment through the Section 106 Agreement towards the provision of a sports hall within Fulford School grounds. There has been no change in circumstances that would require further information on this topic under Regulation 8 to be submitted.

Impact Interactions

The key receptors identified through the ES at outline stage have not changed and the consideration of these has been addressed through the imposition of planning conditions to the outline approval or the consideration of the detail submitted as part of the RMA. No review of this chapter of the ES is considered necessary.

Conclusion

In light of the above, the Local Planning Authority is of the opinion that the environmental information provided to date is not adequate to assess the environmental effects of the development. The ES should be reviewed to take account of the following:

1. The changes to the archaeological work carried out in the area since the original ES was produced;
2. The material change to air quality in the area since the original ES was produced;
3. Any significant alteration to the views at the view points referred to in the original ES.