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Northumberland County Council  
Planning Department  
County Hall  
Morpeth  
NE61 2EF

26 April 2023

Dear Sir/ Madam,

**ELLINGTON EMBANKMENT, ELLINGTON, MORPETH, NE61 5JN  
APPLICATION FOR SCREENING OPINION PURSUANT TO TOWN AND COUNTY PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND) REGULATIONS 2017 (AS AMENDED)**

On behalf of our client, The Crown Estate, we submit under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the Regulations”) a request for a Screening Opinion in respect of their proposals (“the Proposed Development”) for the proposed remediation works and redevelopment of the Ellington Embankment, Ellington, Morpeth, NE61 5JN (the ‘Site’) for complete site clearance for access, fire remediation works and reinstatement of the embankment. The proposals are to restore the embankment including the PROW on its former route.

In accordance with the Regulations, this letter provides the following information to allow you to determine whether the above scheme requires an Environmental Impact Assessment (“EIA”):

- A Site Location Plan (Ref. NT15736-016- REVP0) (**Appendix 1**) and description of the Site;
- A description of the nature and purpose of the development (below);
- Indicative Works Layout Plan (Ref. NT15736-008-REVP1) (**Appendix 2**);
- A Proposed Site Plan (Ref: NT15736-017- REVP1) (**Appendix 3**); and
- A Schedule of Application Documents (**Appendix 4**).

#### **SITE DESCRIPTION**

The Site falls within the administrative boundary of Northumberland County Council and is located on the Ellington Estate approximately 400m west of Ellington, Northumberland.

The Site comprises circa 3ha and includes part of a former railway embankment serving the colliery. A footpath (now temporarily closed) comprising a Public Right of Way runs on the top. The embankment includes a disused tunnel linking land on either side of the embankment. This is in poor condition.

The embankment is currently smouldering at locations along its length due to areas of internal combustion. Unchecked the fire could continue to spread along its length. An overview of the Site’s location and surrounding context is included in **Figures 1 and 2** below.



Figure 1: Aerial View of the Site (Source: Google Maps)

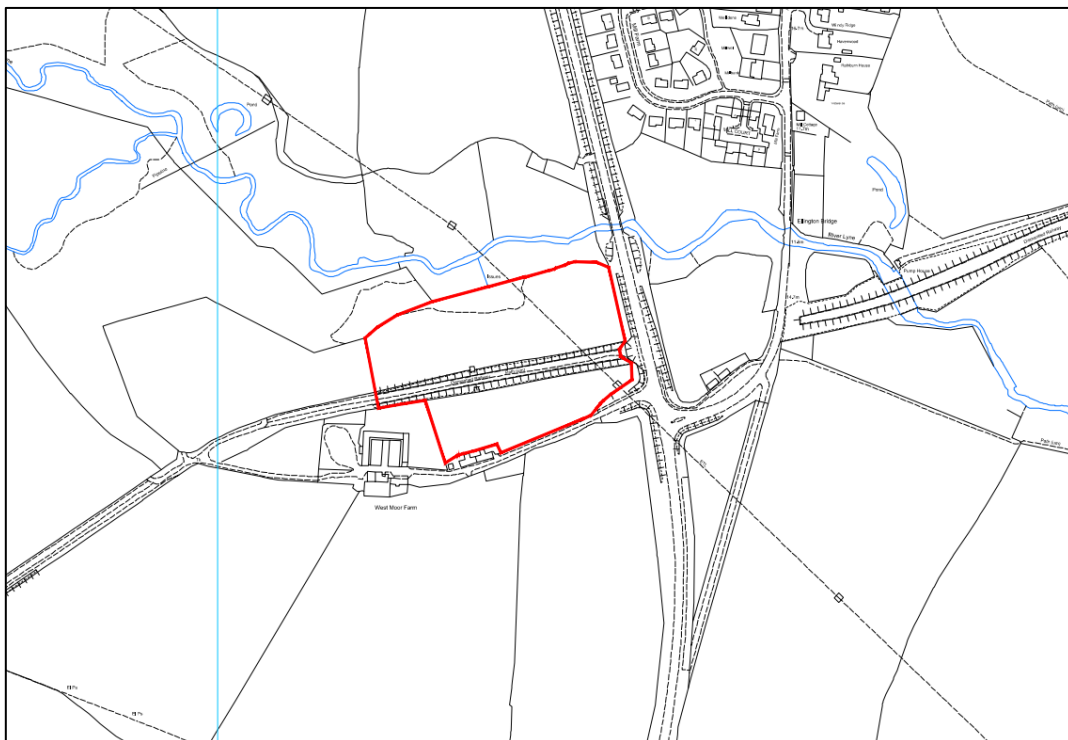


Figure 2: Site Location Plan

Ellington colliery railway was constructed in the early 20th Century. The railway lines were dismantled in the late 20th Century and the embankment left in place. The embankment was later converted into a Public Right of Way. Constructed from colliery by-product, engineered fill was used for the construction of the embankment.

It is believed that the embankment has been on fire internally for approximately 4 years. The public right of way was

closed in May 2021 and made secure by fencing and has been temporarily diverted to the south. An underpass runs north-south through the middle of the embankment. Access through this is also currently restricted.

The north of the Site is bordered by open grassland, to the east is the A1068 with agricultural fields beyond. To the south is more open grassland, and to the southwest are existing residential dwellings at West Moor farm, with a public footpath to the west.

The nearest residential property is West Moor Farm located approximately 40m southwest of the Site western tip of the Site. The nearest properties in Ellington village are located approximately 130m northeast of the Site beyond the A1068. The village of Linton Colliery sits approximately 700m west of the Site.

Chugdun Wood, designated as an Ancient Woodland, is located approximately 1.3km east of the Site. There are no further designated habitats located within a 2km radius.

The River Lyne is located 100m north of the embankment. The majority of the Site is in Flood Zone 1 as defined by the Environment Agency Flood Maps (**Figure 3**) and thus is at low risk of flooding, with the northern Site boundary falling within Flood Zones 2 and 3 adjacent to the River Lyne.

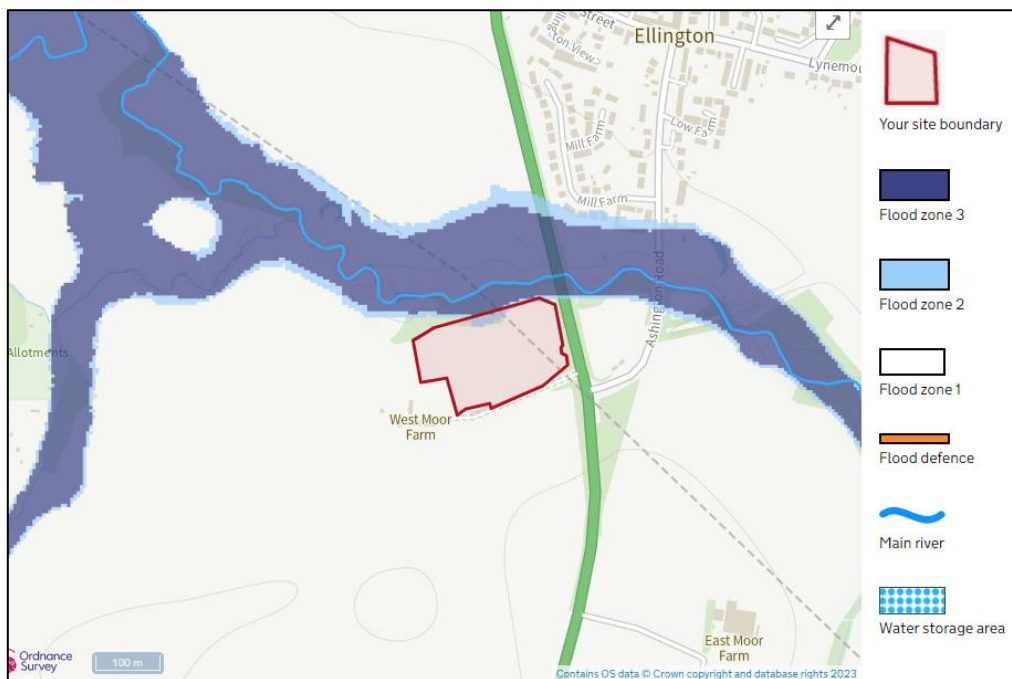


Figure 3: Flood Map Extract (Source: Environment Agency)

There are no listed buildings or structures on or near the Site; the nearest heritage asset being the Grade II Milestone 30 metres south of the entrance to East Moor Farm.

Relevant Site History

From a review of the Council's online planning records there is no relevant planning history for the Site.

## PROPOSED DEVELOPMENT

The development proposals seek complete Site clearance for access, fire remediation works and reinstatement of the embankment to restore the embankment and the PROW on its former route. To achieve this the embankment shall need to be treated (i.e., the fire extinguished), physically stabilised and replanted.

Various option appraisals for the works have been carried out in respect to the method of extinguishment and the subsequent use of the extinguished material. Consultations have been had with local earthworks and drilling contractors as well as soil treatment facility and landfill operators.

Further, the proposals have been subject to extensive pre-application discussions with the Environment Agency (EA) since 2021. Following advice sought from the EA, a request for a Local Enforcement Position (LEP) for works to remediate a colliery spoil fire was submitted on 20<sup>th</sup> February 2023.

Due to the urgency surrounding the remediation works, compounded by the delays in programme to date through the protracted enhanced pre-application discussions with the EA, and the environmental permitting backlog being a barrier to the works commencing, the proposed approach to the works seeks a first phase allowing for a trial of the works to commence as a pragmatic solution to begin the works. This two-phased approach will enable the proposed processes to be tested on a smaller scale and allow any adjustments arising to be made to the main works package to form part of the planning application.

In light of the above, full planning permission will be sought for the proposed two-phased approach, with the main works anticipated to be satisfied via the discharge of appropriately worded conditions. We set out below the nature of the proposed trial and main works to be undertaken. **Appendix 2** includes an Indicative Works Layout Plan.

### Trial Works

The remediation works of the nature proposed are relatively uncommon. Therefore, to confirm the suitability of the selected option, it is proposed to undertake a trial.

It is intended that the trial will be conducted in the same way as the main works, with the only difference being that only a small volume of material would be excavated and extinguished. Should the trial works be considered successful, no changes would be made to the next phase of the main works. This is expected to be the most likely outcome. However, should the trial, or elements of the trial, prove to not represent the best option then amendments would need to be made prior to commencement of the main works. Depending on the amendments, these may be presented through a revision of the supporting documentation.

Following the trial, any requirements for changes or adaptations which need to be made to the processes will be in agreement and in consultation with the Environment Agency and the Council.

### Main Works

The 'main works' will be subject to an approved bespoke permit. Included within this would be an approved Waste Recovery Plan, setting out the main works in more detail once these have been established following the trial. The works will be carried out in accordance with a written Environmental Management System, and all supporting information as part of the EMS will be updated to accurately reflect the works and any findings from the trial.

The Waste Recovery Plan will comply with Environment Agency guidance on Deposit for Recovery. The Waste Recovery Plan will be updated following the trial to confirm quantities and types of materials to be used in the reconstruction of the embankment.

## **REQUIREMENT FOR AN ENVIRONMENTAL IMPACT ASSESSMENT**

This letter sets out the process by which it is determined whether an EIA is required for the development, with reference to Schedules 1, 2 and 3 of the Regulations.

Firstly, it is considered whether the development qualifies as Schedule 1 development. Secondly, it is considered whether the development qualifies as Schedule 2 development. This is done by reference to the selection criteria for screening Schedule 2 development, as set out in Schedule 3.

### [Schedule 1 Development](#)

EIA is mandatory for projects listed in Schedule 1 of the EIA Regulations. The Proposed Development does not fall within Schedule 1 of the EIA Regulations and, therefore, does not automatically require an Environmental Statement to be completed.

### [Schedule 2 Development](#)

An EIA is required for a Schedule 2 development only if it is considered that the project may create significant environmental effects. If a development is of a type listed in Schedule 2 of the Regulations, and exceeds the relevant thresholds and criteria outlined in the second column of Schedule 2 (also known as the 'exclusion' or 'applicable' thresholds and criteria), the Local Planning Authority ("LPA") is required to undertake screening in order to consider whether it is likely to have significant effects on the environment, and therefore requires an EIA.

It is important to note that the thresholds outlined under Schedule 2 are broad indications of the projects that can normally be readily discarded from detailed EIA screening consideration, rather than being the thresholds beyond which a development is automatically considered to be EIA development. For proposals that exceed the Schedule 2 thresholds, the development proposals should then be considered within the screening process on an individual basis, taking into account the selection criteria in Schedule 3 of the Regulations that are relevant.

In addition, if a development noted in Schedule 2 of the EIA Regulations is located in a 'sensitive area', it must always be screened on the need for an EIA, regardless of whether the thresholds are met. The Regulations define sensitive areas as including SSSIs, National Parks, The Broads, properties appearing on the World Heritage List, Scheduled Monuments, Areas of Outstanding Natural Beauty, and European sites for conservation.

Chugdon Wood, designated as an Ancient Woodland, is located approximately 1.3km east of the site, with no further designated habitats located within a 2km radius. The River Lyne is located 100m north of the embankment, flowing east towards the North Sea.

The Regulations suggest EIA screening is required for 'installations for the disposal of waste projects' if the disposal is by incineration, the area of the development exceeds 0.5 hectare, or the installation is to be sited within 100 metres of any controlled waters. Whilst the proposed development is not strictly considered to be 'waste disposal', but instead 'waste recovery', the development Site includes an area of circa 3 ha and therefore for the avoidance of doubt, the proposals are screened in accordance with this category.

The Planning Practice Guidance ("PPG") on Environmental Impact Assessment (Ministry of Housing, Communities and Local Government, 2017) recognises that only a very small proportion of Schedule 2 development will require an EIA and provides further guidance in the form of indicative criteria and thresholds of the type or scale of development which is likely to require an EIA, and key issues to consider.

The following section of this letter considers the likely impacts of the Proposed Development, with reference to the EIA Regulations Schedule 3 criteria, in order to determine whether the Proposed Development does or does not constitute EIA development.

### [Schedule 3 – Selection Criteria for Screening Schedule 2 Development](#)

In accordance with the Regulations, the Council must consider the characteristics of the development, its location and potential impact when determining whether a development is EIA development. These are considered in turn in the remaining sections of this letter.

### *1. Characteristics of Development*

In relation to this matter, it is noted in the Regulations that the characteristics of development must be considered having regard, in particular, to:

#### *a) the size and design of the whole development;*

The Site comprises circa 3ha of arable farmland with part of a former railway embankment running east to west. The embankment includes a disused tunnel linking land on either side of the embankment. At present, there are no existing buildings on the Site.

The Proposed Development comprise the full excavation of the embankment, extinguishment of any burning material, and reconstruction of an embankment along the same alignment.

Extinguishment shall be through the spreading of the burning embankment material resulting in the rapid completion of the burning process. The process shall be carefully monitored with appropriate temperature, air quality and water management controls in place.

The proposals have been designed to respond sensitively to the existing context of the surrounding area and seek to maintain the size, shape and layout of the existing Embankment. The proposals will be of public benefit through enabling the reinstatement of the Public Right of Way.

It is not considered that this development will lead to material impacts and specifically not impacts of a more than local nature. A suite of technical assessments and reports will be submitted as part of the planning application, which will consider the potential impacts of the proposals. Such documents will also detail any mitigation required to make the Proposed Development acceptable in planning terms. A list of proposed assessments and reports to be submitted as part of any application can be found at **Appendix 4**.

#### *b) cumulation with other existing development and/ or approved development;*

The Proposed Development is located outside of Ellington settlement boundary, situated circa 130m northeast of the Site, with West Moor Farm located immediately southwest of the Site. The immediate area is one of mixed agricultural land and residential settlements.

We are not aware of any relevant existing and / or approved developments within the local area that would need to be considered cumulatively with the Proposed Development.

#### *c) the use of natural resources, in particular land, soil, water and biodiversity;*

The proposed remediation works will use natural resources in terms of land and water. The proposals seek to spread the embankment material to allow exposure of burning material to oxygenate, resulting in the rapid completion of the burning process. A water spray may be used to control the extinguishing period, and all water will be appropriately managed to reduce the risk of contamination.

Once extinguishment is complete, the extinguished material shall form engineered fill for the use in re-construction of an embankment at the site. The purpose of carrying out the waste treatment activity (extinguishment) is to improve the condition of the land and its use. The activity is therefore considered to be a recovery activity under the definition of recovery in the Waste Framework Directive 2008.

As such the proposed remediation works are considered to incorporate sustainable measures and techniques and are wholly in accordance with the objectives of the NPPF.



*d) the production of waste;*

As detailed in the Operating Techniques Report, prepared by Wardell Armstrong, the storage of extinguished material will be temporary. Once fully extinguished, the material shall form engineered fill to be used in re-construction of an embankment at the site.

The trial works will include assessment of the waste material to ensure it conforms to the expected characteristics and the relevant European Waste Catalogue (EWC) code.

The Waste Recovery Plan will confirm with Environment Agency guidance on Deposit for Recovery. The Waste Recovery Plan will be updated following the trial to confirm quantities and types of materials to be used in the construction of the embankment.

*e) pollution and nuisances;*

Consideration has been afforded to the potential for the Proposed Development to give rise to pollution and nuisance (such as noise, odour, air quality and water quality) and the potential effects of such impacts on human and other environmental receptors. These matters are considered in more detail in Section 3 below.

The Site will be subject to frequent monitoring and inspection (at least once a day) to ensure mitigation measures are keeping dust emissions, odour and noise to a minimum. Records will be kept of inspections and any actions taken to resolve any identified emissions.

A record of the trial and any observations, additional precautionary action or remedial action will be noted. Should there be any changes to the processes used during the trial which will inform the main works, these will be incorporated into the environmental permit application (and associated deployment and Waste Recovery Plan). Discussions with the Environment Agency Local Area Team will take place to feedback on the trial and any alternative actions, as required.

*f) the risk of major accidents and / or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;*

The Proposed Development is not associated with hazardous substances or toxic emissions to air, and no significant risks of major accidents or disasters are identified.

During the construction phase, the contractor would implement measures in accordance with Health and Safety legislation/requirements, and best practice to minimise the risks of accidents that would have effects on people or the environment.

The Site will be subject to frequent monitoring and inspection (at least once a day) to ensure mitigation measures are keeping dust emissions, odour and noise to a minimum. Records will be kept of inspections and any actions taken to resolve any identified emissions.

Staff will be trained to understand the potential environmental risks associated with the Site and their role in managing those risks. An induction will also be provided for contractors, so that they are aware of any environmental requirements.

*g) the risks to human health (for example, due to water contamination or air pollution).*

Full details of the risk to amenity will be provided in the Amenity and Accident Risk Assessment. Risks to any nearby receptors will be controlled through implementation of site-specific environmental mitigation measures, staff training and effective process design.

Appropriate assessments will be undertaken and submitted to the LPA, together with appropriate mitigation measures to take place if subsequent risks are identified. A list of appropriate assessments for the proposed development are included at **Appendix 4**.

In summary, it is not considered that the Proposed Development would give rise to any significant impacts. It is further considered that any impacts arising from the Proposed Development are capable of being addressed within the suite of technical documents that would be submitted with the application.

## *2. Location of Development*

Schedule 3 of the EIA Regulations requires consideration of the location of the Proposed Development, and the environmental sensitivity of areas likely to be affected with regard to:

- a) the existing and approved land use;
- b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- c) the absorption capacity of the natural environment (including areas in which there has already been a failure to meet environmental quality standards, and densely populated areas).

These issues are considered in turn below.

### *a) Existing and Approved Land Use*

A Site Location Plan is included at **Appendix 1** and a Proposed Site Plan is attached at **Appendix 3**.

The Site includes previously developed land comprising the former Ellington colliery railway, located within a rural setting. The railway lines were dismantled in the late 20th Century and the embankment left in place. The embankment has since been converted into a Public Right of Way.

The Site is bordered by landscaped areas to the north and south, separating the Site from a small number of residential dwellings to the south.

The Site has sporadic trees, the main group of which is located to the northern boundary, adjacent to the River Lyne. From the information available no trees on Site are the subject of a Tree Preservation Order.

The proposed development seeks to retain the existing use of the land through reinstating the public right of way, as such the proposals are considered wholly appropriate to the Site's location and would not have an adverse effect on the surrounding environment.

### *b) Abundance, Availability, Quality and Regenerative Capacity of Natural Resources*

The proposed remedial works seek to extinguish the sub-surface burning material and ultimately protect the quality of natural resources.

Extinguishment will be carried out through the spreading of the embankment material, to allow exposure of burning material to oxygenate resulting in the rapid completion of the burning process.

The potential impacts to air quality include emissions of dust from treatment of embankment materials and from the stockpiled materials. In order to mitigate against this the Site layout will be planned so that machinery and dust causing activities are located away from receptors, as far as possible. Solid screens/ barriers will be erected around dusty activities that are at least as high as any stockpiles on Site that have the potential to cause dust. Furthermore, an adequate water supply will be maintained on the Site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate. The residual risk of fugitive emissions to air is therefore low (or negligible) and not significant.

Other potential risks include emissions to water from surface water run-off and infiltration during the extinguishment of the fire. Superficial deposits beneath the Site are anticipated to be 7-10m in thickness and comprise of clay. It is anticipated that the underlying glacial till will have a low permeability and therefore there is unlikely to be any infiltration of water from extinguishment into the groundwater.



To contain surface water run-off of extinguishment water, a stripped soil environmental protection bund will be constructed to the north of the treatment area. A sump will also be constructed to the north of the treatment area to collect any surface water run-off, to ensure no infiltration to groundwater takes place. The water will be collected and appropriately managed through use of a bladder tank or similar on Site. Fire water that collects in the bunded area will be tankered off to an appropriately permitted site for treatment as disposal. Surface water sampling of the River Lyne will be completed to establish a baseline prior to trail commencement and be completed during (if considered necessary) and post works to confirm that surface water has been protected effectively.

### *c) Absorption Capacity of the Natural Environment*

In assessing this criterion particular attention is paid to a number of areas, including:

- i. Wetlands, riparian areas, river mouths;
- ii. Coastal zones and the marine environment;
- iii. Mountain and forest areas;
- iv. Nature reserves and parks;
- v. European sites and other classified or protected under national legislation;
- vi. Areas in which there has already been a failure to meet the environmental quality standards, laid down in the Union legislation and relevant to the project, or in which it is considered that there is such a failure;
- vii. Densely populated areas;
- viii. Landscapes and sites of historical, cultural or archaeological significance.

The Site does not fall directly within any of the above categories. Additionally, the Site does not fall within an Air Quality Management Area (AQMA).

Construction works have the potential to result in short term elevated levels of dust, noise and visual impacts, which could affect nearby sensitive receptors (including residential properties). Relevant mitigation measures as identified within the Amenity and Accident Risk Assessment will be applied to mitigate such potential adverse effects, which will be agreed with the LPA prior to the start of construction.

### *3. Types and Characteristics of the potential impact*

Schedule 3 of the EIA Regulations requires consideration of the likely significant effects of the Proposed Development taking into account:

- a) the magnitude and spatial extent of the impact (e.g. geographical area and size of 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.

These issues are considered in turn below.

#### *a) Magnitude and spatial extent of the impact*

Most impacts will be restricted to the Site and its immediate surroundings. The effects will be no more than local and will not be of environmental significance.

A suite of technical reports will support the application, which will provide a detailed consideration of any potential impacts that the Proposed Development may have. The suggested scope of application material is included at **Appendix 4** of this letter.

It is considered that any potential impacts can be adequately assessed by independent technical reports, and if necessary mitigated, without requirement for a full EIA.

*b) The nature of the impact*

A summary of potential impacts resulting from the Proposed Development is provided below.

*Flood Risk*

A copy of the Environment Agency Flood Map for Planning is included in the figure below which identifies the majority of the Site to be located within an area designated as Flood Zone 1 (low probability of flooding), with a less than 1 in 1000 annual probability of flooding in any year. A small part of the northern Site Boundary falls within Flood Zone 2.

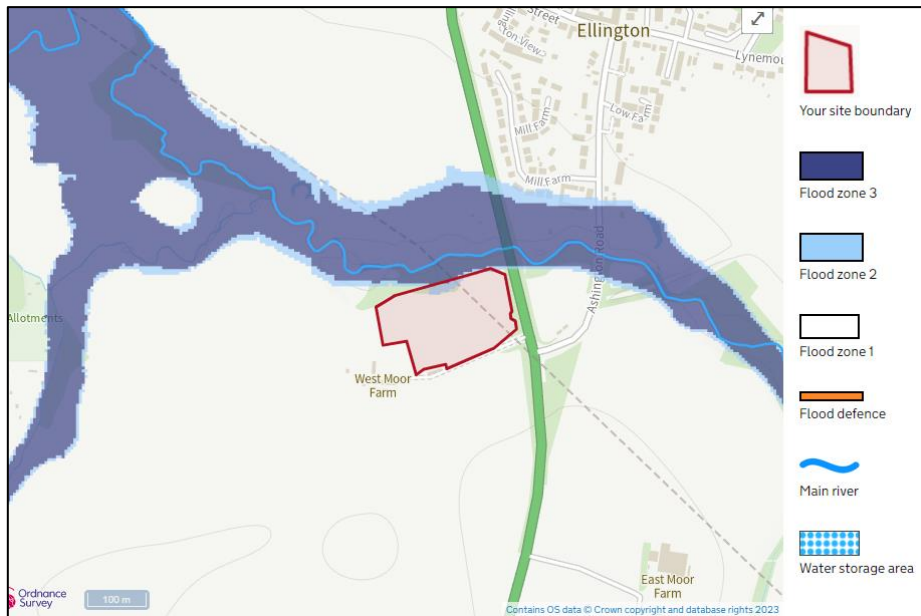


Figure 4: Flood Map Extract (Source: Environment Agency)

The nearest fluvial flood source is the River Lyne, which lies in close proximity to the northern Site boundary.

A Flood Risk Assessment (“FRA”), including a detailed foul and surface water drainage strategy, will be submitted to support the application. This will be undertaken in accordance with the National Planning Policy Framework (“NPPF”) and the associated Planning Policy Guidance (“PPG”), to meet the requirements of the Environment Agency and the Lead Local Flood Authority.

The potential sources of flooding will be assessed as part of the FRA. The FRA will also identify flood risk mitigation measures, as appropriate, to ensure that the Proposed Development remains safe throughout its lifetime and does not increase the risk of flooding elsewhere.

In summary, the FRA will demonstrate how any flood related impacts can be addressed such that no significant effects will result.

*Traffic and Transport*

Whilst the development, once completed, will result in limited traffic and transport impacts, a Transport Statement will be submitted with the application to provide an overview and assessment of transport impacts during the construction phases.

The Transport Statement will seek to outline the proposed access arrangements for the Site and proposed construction traffic routing. Furthermore, the Transport Statement will seek to provide relevant traffic management measures for the construction phase of the development.

### *Air Quality*

Whilst the Site is not located within an Air Quality Management Area, an Air Quality and Odour Report will accompany the application to allow any potential impacts of the Development to be fully considered and assessed. This will include mitigation measures which will be implemented to minimise the impact of the proposed works on identified sensitive receptor locations in the surrounding area.

The risk of dust impacts will be limited to the operation phase of the development and will be assessed to identify appropriate mitigation. With mitigation in place, it is considered likely that the construction phase effects will be not significant.

### *Noise*

It is recognised that any development proposals would need to demonstrate that the amenity of neighbouring residents would be satisfactorily protected, including in terms of noise.

The proposed development will not generate any significant noise emissions. Noise effects on nearby receptors during construction works will be temporary in nature. Measures to ensure that sensitive receptors are afforded satisfactory protection during the construction phase are detailed in the Amenity and Accident Risk Assessment and Noise Assessment, submitted as part of the application.

### *Ecology & Nature Conservation*

The Site itself has no statutory ecological designations but is located immediately south of the River Lyne, an identified watercourse.

Wardell Armstrong have been commissioned to provide ecological services to support the proposed planning application. To date, this has comprised the completion of a Preliminary Ecological Appraisal (PEA), a Phase 1 Habitat Survey, and an Ecological Impact Assessment.

The PEA confirms that there are no statutory designated within 2km of the Site. In addition, no impacts to non-statutory conservation sites are anticipated, due to the short-term, small-scale nature of the proposed development. The search area was extended to allow for the inclusion of Impact Risk Zones (IRZs) for SSSIs. The desk study shows that the application Site falls within an IRZ. However, the proposed development does not meet any of the IRZ's criteria, this potential ecological receptor has been discounted from needing further assessment.

The PEA confirmed mitigation, compensation, and enhancement opportunities are proposed to include the following:

- Supplementary native pollen and nectar rich planting to support invertebrates;
- Provision of bat and bird boxes on the Site;
- Enhancement of habitats through Biodiversity Net Gain Assessment.

The following documents, prepared by Wardell Armstrong, will be submitted to support the planning application:

- Northumberland County Council Ecology Checklist;
- Preliminary Ecological Appraisal (PEA);
- Phase 1 Habitat Survey; and
- Ecological Impact Assessment.

### *Trees*

The Site has a number of trees, the main group of which is located to the northern boundary of the Site. From the information available no trees on Site are the subject of a Tree Preservation Order.

The proposals have sought to maintain any existing trees on Site where possible. A landscaping scheme including additional planting and soft landscaping is proposed.

An Arboricultural Impact Assessment and Arboricultural Method Statement will form part of the planning application.

#### *Energy and Sustainability*

The Proposed Development will incorporate a range of measures and features that will result in a development that conserves natural resources, limits pollution and environmental damage and is adapted to cope with the potential impacts of a changing climate during the operational works.

The development proposes waste recovery through the suitable restoration of embankment materials to reconstruct the embankment. The re-use of existing materials therefore avoids the need for waste disposal.

Furthermore, through undertaking the extinguishing activities on Site, the proposals seek sustainable practices by limiting construction traffic movements in addition to energy requirements.

Overall, the proposed works are considered to be highly sustainable and conserve natural resources.

#### *Construction Vehicle Trips*

The primary means of controlling construction vehicular traffic will be through an approved Construction Traffic Management Plan (CTMP). It will include traffic management proposals, which will reduce the impact of construction on the public highway.

#### *c) The transboundary nature of the impact;*

No transboundary impacts are predicted.

#### *d) The intensity and complexity of the impact;*

Given the scale of the Proposed Development, both the intensity and complexity of impacts are generally predicted to be low. It is anticipated that any impacts can be satisfactorily mitigated through the planning process.

In addition, it is anticipated that there will be positive impacts as a result of the Proposed Development, such as the remediation of the embankment and re-instatement of the former the Public Right of Way.

#### *e) The probability of the impact;*

The probability of impacts occurring is low to medium, however it is not anticipated that the Proposed Development will give rise to any significant effects.

#### *f) The expected onset, duration, frequency and reversibility of the impact*

Most impacts will be permanent, however the majority of these are likely to be low in magnitude and / or beneficial. There will be some temporary impacts, limited to the construction phases of development. Those impacts can be satisfactorily dealt with by way of the usual controls operated by the LPA, such as through a delivery management plan.

#### *g) The cumulation of the impact with the impact of other existing and/ or approved development;*

As discussed above, we are not aware of any relevant existing and / or approved developments within the local area that would need to be considered cumulatively with the Proposed Development.

#### *h) The possibility of effectively reducing the impact*

A suite of technical assessments and reports have been instructed, which will assess in detail the potential for impacts arising from the Proposed Development. These assessments will also consider any mitigation that is deemed to be necessary.

As set out within the Amenity and Accident Risk Assessment, these risks are minimised by preventing the hazard at source or by providing measures to break the pathway and prevent pollution migrating towards receptors.

The risk assessment demonstrates how all identified hazards that could cause harm will be subject to strict preventative or control measures. The trial works have been designed to ensure that water used to extinguish the embankment material is prevented from polluting ground and surface water, and that potential emissions of particulates, noise and odour are minimised to be contained within the site boundary as far as possible and will not cause harm to local sensitive human and ecological receptors.

In summary, as a result of the control measures in place no significant impact on the identified sensitive receptors is expected. It is therefore considered that all reasonable precautions to protect the sites have been taken. Control measures used during the trial works will be carried over and upscaled for the full bespoke environmental permit application, along with any additional measures identified as being required during the works.

It is proposed that a full suite of technical reports and supporting material is to be submitted as part of the application, which will provide all of the information required by the LPA to determine the application. The proposed scope of application documents is included at **Appendix 4**.

## CONCLUSION

Based on the analysis above, it is considered that an EIA is not required to be undertaken for the Proposed Development.

The Proposed Development does not fall within Schedule 1 of the EIA Regulations. Schedule 2 Section 11 (b) of the Regulations related to 'Installations for the disposal of waste' with applicable of any development area exceeding 0.5 hectares. Whilst the proposed development is not strictly considered to be 'waste disposal', but instead 'waste recovery', the development Site includes an area of circa 3 ha and therefore for the avoidance of doubt, the proposals are screened in accordance with this category.

To consider whether the Proposed Development is likely to have significant effects on the environment, the scheme has been assessed against the criteria set out in Schedule 3 of the Regulations. When assessed against these criteria, we do not consider that the Proposed Development is of the scale and nature that requires an EIA. This is based on the assessment that the proposal is unlikely to have significant effects on the environment, taking account of potential mitigation. In accordance with the Regulations, where development is unlikely to give rise to significant environmental effects, an Environmental Statement is not required.

The application would be accompanied by detailed supporting documents, which would address the potential impacts of the development, propose mitigation measures in accordance with planning policy requirements and provide all of the information required by the LPA to determine the application. The scope of supporting documents to be submitted is set out **Appendix 4** of this letter.

Northumberland County Council are invited to review the details as presented above and provide an EIA Screening Opinion in accordance with the EIA Regulations, to determine whether the Proposed Development is an EIA development. It is acknowledged that up to three weeks (21 days) (beginning from the date of receipt) is available to form a screening opinion.

We trust that the information supplied is sufficient for you to screen these proposals against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and to confirm to us that an Environmental Statement is not required for this scheme. Should you require any further information to confirm that this is the case, please do not hesitate to contact either Rachel McGall (07818 538225 / [rachel.mcgall@montagu-evans.co.uk](mailto:rachel.mcgall@montagu-evans.co.uk)) or Craig Blatchford (020 7866 8607 / [craig.blatchford@montagu-evans.co.uk](mailto:craig.blatchford@montagu-evans.co.uk)) at this office.

Yours faithfully,

*Montagu Evans*

**MONTAGU EVANS LLP**

Enc.