

City of York Council
Development Management
West Offices
York
YO1 6GA

Our ref: 21-01439
Date: 27 November 2023

Dear Sir/Madam,

Re: Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – Screening Opinion Request under Regulation 5 at Unit 2, Monks Cross Drive, Huntington, YO32 9GX.

Rapleys LLP have been instructed to submit a formal Screening Opinion request in accordance with the above cited regulations to determine whether the proposed development constitutes Environmental Impact Assessment (EIA) development.

This request is accompanied by a Site Location Plan attached as Appendix 1, identifying the Screening Opinion Area, which represents the proposed area for development. This submission outlines the proposal, its characteristics and location, and any potential impact on the environment.

Introduction

This Screening Opinion request is submitted in accordance with Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The 2017 EIA Regulations set out the parameters which define whether a development is Schedule 1, or Schedule 2, and therefore whether it may require an EIA.

Schedule 1 identifies over twenty different categories of development, none of which relate to the proposed development at Unit 2, Monks Cross Drive, Huntington, YO32 9GX.

Schedule 2 identifies thirteen different categories of development. The nature of the proposal would fall under category 10 'Infrastructure Projects' (b) Urban development projects. The thresholds and criteria for this Class are:

- 1 hectare of urban development which is not dwelling house development; or
- Development includes more than 150 dwellings; or
- The overall area of the development exceeds 5 hectares.

In this case, the application site measures approximately 1.26 hectares which falls above the threshold of 1 hectare.

Schedule 3 of the Regulations sets out the selection criteria which must be taken into account in determining whether significant effects are likely and therefore whether the development constitutes EIA development. In these terms, regard may be paid to the location of the development, its development characteristics, and characteristics of potential impacts.

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The Proposal

The proposal is for the demolition of the existing building and erection of a new Lidl foodstore (Use Class E) and drive-through unit with associated car parking and landscaping at Unit 2, Monks Cross Drive, York.

The proposal will deliver a single-storey retail unit which will extend to 2,172 sq.m gross internal area, with a net sales area of 1,512 sq.m. the drive through unit will extend to 242 sq.m gross internal area.

Location of the Development

Appendix 1 attached to this Screening Opinion request identifies the location of the application site.

The site of the proposed foodstore and drive through, which measures approximately 1.26 ha, comprises the former TK Maxx retail unit and associated parking. TK Maxx are understood to have ceased trading from the site in March 2020 and the site has been vacant since this point.

The site forms part of the out-of-centre retail complex at Monks Cross, in northern York. The site is bound by an office building to the north; Monks Cross Drive to the east; a Sainsbury's supermarket to the south; and the Portakabin design and build facility to the west.

The site itself is not in a 'sensitive area' as defined by the Regulations and is free from the following constraints:

- National Park;
- Area of Outstanding Natural Beauty (AONB);
- Regional/Country Park;
- SSSI or other locally designated wildlife sites (SNCI);
- Ponds;
- Tidal flood risk;
- Reservoir flood risk;
- Fluvial flood risk; and
- Groundwater Protection Zone.

Development Characteristics and Potential Impact

A planning application for the development has been submitted to City of York Council. This is supported by relevant baseline studies and reports which address technical matters associated with the development proposed.

Ecology

All statutory ecological sites are considered to be sufficiently distant from the site and would not be impacted as a result of the proposed works due to the distance between them and the site.

On this basis, it is considered that statutory and non-statutory sites will not be impacted as a result of the proposed works.

On this basis, the potential impacts are not considered to be 'significant', warranting an EIA.

Ground Conditions/Contamination/Flood Risk

The Flood Risk Assessment and Surface Water Drainage Strategy have been completed for the site which demonstrate that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national policy and guidance.

The existing buildings on site will be demolished. A Geo-Environmental Assessment Report, prepared by Sirius Geotechnical have been prepared.

The ground conditions at the site are not prohibitive to the development proposed being delivered.

Overall, the likely impacts are not considered to be 'significant' and do not prevent development from coming forward or warrant an EIA.

Landscape and Visual Impact

When set against the backdrop of existing development in the vicinity of the site, the proposed development, comprising a food store and drive through, is not considered to generate 'significant' landscape and visual impacts.

The proposed design and landscape of the scheme have been prepared to ensure that development is in keeping with the surroundings.

On this basis, landscape and visual impacts are not considered to be 'significant', warranting an EIA.

Noise

The development proposal is located within an existing built-up area of an existing retail park.

A Noise Assessment has been prepared which confirms that the proposal is unlikely to generate 'significant' noise impacts, subject to the mitigation and recommendations in place.

Overall, the noise generated from the proposal is not of a scale or nature that will be out of keeping within an urban location. The likely noise impacts arising from the proposed development are therefore not considered to be 'significant', warranting an EIA.

Transport

A Transport Statement has been prepared which confirms that most of the vehicle trips generated are considered to either be passing-by or diverting to the store as part of an existing journey or transferring to the store from a competing store.

The assessment confirms that the proposed site access junction is able to satisfactorily accommodate the levels of traffic likely to be generated. In addition, the assessments have also confirmed that other relevant junctions in the vicinity can satisfactorily accommodate the levels of traffic likely to be generated.

In this context, it is considered that the potential impact on the road network from the development and construction traffic would not be 'significant', enough to warrant an EIA.

Air Quality

An Air Quality Assessment has been prepared which assesses the impact of the proposed development on air quality based on both construction and operational phases.

The assessment predicts that the development will have a negligible impact on concentrations of NO₂, PM₁₀ and PM_{2.5} at all four existing sensitive receptors considered in 2026. The effect of the proposed development on human receptors is therefore considered to be not significant.

The assessment has demonstrated that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives as required by national policy. There are no material reasons in relation to air quality why the proposed scheme should not proceed.

Types and Characteristics of Potential Impacts

The above sets out the main environmental assets that exist in and around the site which may be affected on as a result of the proposed development.

Potential impacts, either in isolation or cumulatively would not extend across local authc boundaries in this instance.

Any potential impacts arising from the proposed development will be short term and localised during the construction phase, such as noise, dust, vibration, which can be mitigated through the use of planning conditions, construction traffic routing and management and a CEMP. More long term and permanent potential impacts may arise from loss of existing on-site habitat, although this can be mitigated through design, further and improved planting and habitat management

Potential longer-term impacts through the increase in traffic, noise and pollution relating to the operational phase can be reduced through development design, and encouragement of use of public transport.

Conclusion

In conclusion, the application site, measuring 1.26 hectares, does exceed the threshold set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Taking account of the characteristics and location of the development, the expected environmental effects arising from this development are not considered to be significant. Whilst some localised potential impacts have been identified, with or without mitigation, the development is unlikely to result in 'significant environmental effects', sufficient to warrant an EIA. It is considered that the proposed development does not therefore constitute EIA development.

In these terms, it is considered that an EIA is not required for the proposal. A formal Screening Opinion of the Local Planning Authority is, nonetheless, requested to confirm that this proposal is not EIA development and therefore an EIA is not required.

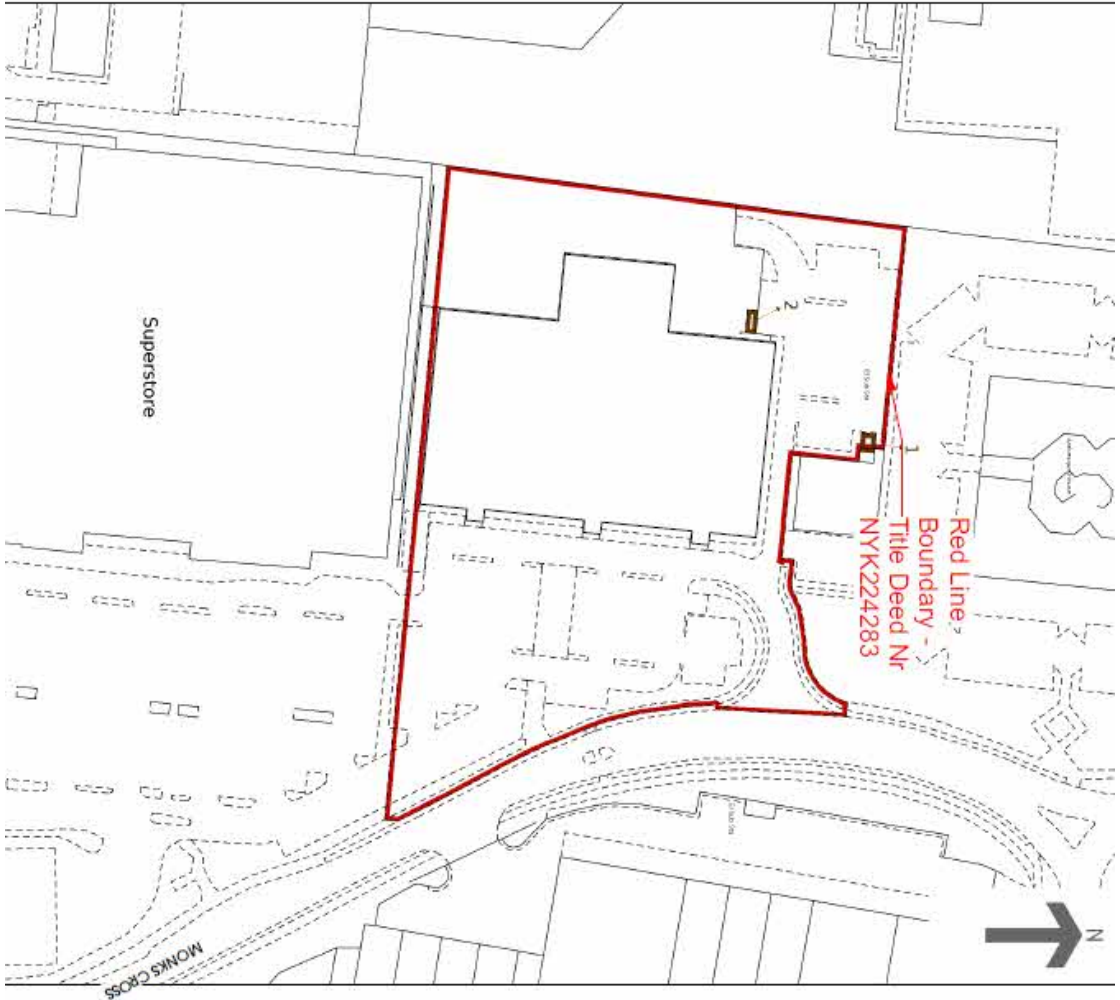
We look forward to receiving your screening opinion response confirming that this is not EIA development, as quickly as possible, and in any event within the 21 days allowed for the Regulations.

Yours faithfully,



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Appendix 1



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SHOW DIMENSIONS FOR TITLE IN METERS AND SUBJECT TO REVISIONS OF ORIGINAL TITLE DEEDS.

Scale: 1:1250 @ A4

Drawn: BM checked LS

Job no: 2504 Date: P411 Rev: /

DATE: 14/09/2021

CLIENT: LDI GB LTD

PROJECT: Monks Cross, York

DRAWING TITLE: Location Plan

DATE: September 2021

SCALE: Planning

DRAWN: BM checked LS

JOB NO: 2504 DATE: P411 REV: /

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