Kirklees Council

Planning & Development Service

PO Box 1720

Huddersfield

HD1 9EL

FAO Richard A Gilbert – via e mail

24 July 2022 Our Ref: SP13620

Dear Sirs,

Environmental Impact Assessment Screening Opinion Request – Land at Lindley Moor (Planning application Ref; 2022/91477)

Further to submission of the above planning application and our e mail exchange on the 11 July 2022, we seek a Screening Opinion on behalf of the applicant, 2SH Developments.

This report seeks to confirm whether a proposed Hybrid Planning Application for the erection of an industrial unit for E(g)/B2 /B8 use with associated access, parking, groundworks and landscaping in conjunction with an outline application for mixed use development use class E(a), E(b), E(g), B2 and B8 (hereby referred to as 'the Proposed Development') on Land off Lindley Moor Road, Lindley (hereby referred to as 'the Site') constitutes as an EIA development.

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In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)1 (hereby referred to as the 'EIA Regulations') as described in Regulation 6, this report includes:

• A plan to identify the location of the Proposed Development;

• A description of Proposed Development, in particular its physical characteristics and location;

• A description of the aspects of the environment likely to be significantly affected;

• A description of any likely effects on the Proposed Development on the environment resulting from the expected residues, emission and the production of waste and the use of natural resources, in particular soil, land, water and biodiversity; and

• Any features of the Proposed Development or any measures envisaged to prevent what might otherwise have been significant adverse effects on the environment.

Requirement for EIA

In order to determine whether the Proposed Development is considered 'EIA development', regard must be had for the EIA Regulations. EIA development is defined by the EIA Regulations as development:

"likely to have significant effects on the environment by virtue of factors such as its nature, size or location".

EIA development falls into two Schedules within the EIA Regulations. EIA is mandatory for developments listed within Schedule 1. Schedule 2 developments require EIA if they would lead to significant effects on the environment.

In deciding whether a Schedule 2 development is an EIA development, Regulation 5(4) states:

• "*Where a relevant planning authority … has to decide under these Regulations whether Schedule 2 development is EIA development, the relevant planning authority … must take into account in making that decision-* o *any information provided by the applicant;*

o *the results of any relevant EU environmental assessment which are reasonably available to relevant planning authority…; and*

o *such of the selection criteria set out in Schedule 3 as are relevant to the development."*

In order to allow Kirklees Council (KC) to determine whether an EIA is required, this report provides a description of the Site and the Proposed Development, a completed EIA Screening Checklist and a Site location plan at **Appendix 1**.

Planning Context

Detailed planning permission has been sought for a proposed Hybrid Planning Application for the erection of an industrial unit for E(g)/B2 /B8 use with associated access, parking, groundworks and landscaping in conjunction with an outline application for mixed use development use class E(a), E(b), E(g).

Site Description

The site comprises of a parcel of greenfield land that sits between Crosland Road and Weatherhill Road, Lindley. The site is some 6.3 hectares of land that is currently used for pasture farming by the applicant. The site sits at the peak of Lindley Moor, with the highest point located to the west of the site and then gradually falling to the east.

The site is bound to the north by Lindley Moor Road, which defines the boundary with Green Belt land beyond. The site is bound to the south by part residential development and part greenfield land. An area of undeveloped land exists to the east of the site along with a number of residential properties. Just to the west of the site is Mac's Trucks, with other

commercial units lying further to the west along Lindley Moor Road (Rybrook Jaguar & Land Rover and Lesjöfors Springs).

There are some overhead power lines running across the site along with two associated pylons in the north-western and north-eastern corners of the site. There is also a public right of way that runs parallel to the southern boundary.

The site is part of a larger mixed-use allocation in the Local Plan (MXS3) which is just over 32 hectares in size and is allocated for housing and employment. Much of this allocation has already been built-out under various different planning permissions. The site forms the north eastern corner of the allocation. A location map for the Site is presented as **Appendix 1**.

Proposed Development

The Proposed development would be the erection of an industrial unit for E(g)/B2 /B8 use with associated access, parking, groundworks and landscaping in conjunction with outline details for a mixed use development for use class E(a), E(b), E(g). Details of the proposed site layout and elevation details of the proposed industrial unit are shown at **Appendix 2.**

Access to the site will be from Lindley Moor Road.

SCREENING ASSESSMENT

Introduction

In this section, the Proposed Development will be screened as per relevant legislation, in particular the EIA Regulations, in order to determine whether the Proposed Development constitutes EIA development.

Schedule 1 Projects

The Proposed Development does not fall within 'Schedule 1' of the EIA Regulations. As

such, EIA is not mandatory for the Proposed Development.

Schedule 2 Projects

The Proposed Development falls within Category 10 of Schedule 2, '*Infrastructure Projects', sub-section (b), 'Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas'*.

The EIA Regulations set out applicable thresholds and criteria for the purposes of the definition of "Schedule 2 Development". For Category 10(b) these include:

(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"

The Proposed Development exceeds the threshold at i) above. Therefore, Schedule 3 of the EIA Regulations has been used to determine whether the Proposed Development would be likely to result in significant environmental effects.

The Site is not within a sensitive area as defined by the EIA Regulations:

- 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.

Schedule 3

Schedule 3 of the EIA Regulations sets out selection criteria which relate to specific matters, covering: the characteristics of the development the location of the development; and the types and characteristics of the potential impact, these are:

Characteristics:

• The size and design of the whole development;

• Cumulation with other existing development and/or approved development;

• The use of natural resources, in particular land, soil, water and biodiversity;

• The production of waste;

• Pollution and nuisances;

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

• The risks to human health (for example, due to water contamination or air pollution).

Location:

• The existing and approved land use;

• The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground; and

• The absorption capacity of the natural environment.

Potential Impact:

• The magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

• The nature of the impact;

• The transboundary nature of the impact;

• The intensity and complexity of the impact;

• The probability of the impact;

• The expected onset, duration, frequency and reversibility of the impact;

• The cumulation of the impact with the impact of other existing and/or approved development; and

• The possibility of effectively reducing the impact.

Consideration of Cumulative Effects

This Screening Report will also consider the Proposed Development cumulatively with other committed developments, as per the requirements of the EIA Regulations.

Schedule 4 paragraph 5(e) of the EIA Regulations notes that an ES should provide a description of the likely significant effects of a development on the environment resulting from:

"the cumulation of effects with other existing and/or approved projects"

Projects which are existing will be considered within the baseline conditions relevant to the Site and the Proposed Development. The potential for cumulative effects will focus on those developments with:

• A resolution to grant planning permission.

• A valid planning permission and yet to start on-site.

• A valid planning permission and under construction.

These developments are referred to as 'committed developments'.

D5 Planning have undertaken a planning application search on KC's planning portal to identify committed developments in the vicinity of the Site.

Table 1 below sets out the committed developments identified in the surrounding area of the Site boundary that have the potential for cumulative effects.

Table 1: Committed developments of significance in the surrounding area. Site Address and Application References	**Description**	**Distance from the Site**	Status
MAC'S TRUCK SALES LTD, CROSLAND ROAD, LINDLEY, HUDDERSFIELD, HD3 3ZA – Application Reference 2021/91700	ERECTION OF EXTENSION TO VEHICLE WORKSHOP, ENGINEERING OPERATIONS TO EXCAVATE AND REGRADE LAND, FORMATION OF EXTENSIONS TO CAR PARK AND EXTERNAL YARD AREAS, ERECTION OF 2.4M HIGH	0.1km west	Application approved 20 January 2022

	SECURITY FENCING, EXTERNAL LIGHTING AND TEMPORARY CONSTRUCTION ACCESS		
LAND TO THE EAST OF CROSLAND ROAD, LINDLEY, HUDDERSFIELD Application reference 2016/92055	ERECTION OF 109 DWELLINGS WITH ASSOCIATED WORKS	0.1km south	Granted 21 September 2017

The potential effects arising from the committed developments in conjunction with the Proposed Development is presented in **Table 2** section 1b.

Table 2 below addresses the Proposed Development in relation to the screening criteria as per Schedule 3 of the EIA regulations.

Table 2: Consideration of the Proposed Development with the screening criteria. Screening Criteria	Proposed Development
1. Characteristics of the development	
a. Size of the development	
Will the development as a whole be out of scale with the existing development?	The Site is approximately 6.3 ha and the proposed development would comprise a mix of commercial uses comprising warehouse, industrial and retail. The Site is surrounded by urban development of the type described in Category 10 of Schedule 2 of the EIA Regulations. The provision of high-quality commercial developments, including retail and warehousing, is in keeping with local and national policy. As such, it is considered that the Proposed Development would not be out of scale with the existing development in the area.
Will the design of the development as a whole fit in with the existing environment?	As stated above, the Site is surrounded by urban development and therefore is considered to fit in with the existing environment as a whole.

Will it lead to further consequential development or works?	No, the Proposed Development would be delivered across the whole of the site and would not result in further consequential development or works.
b. Accumulation with other development	
Are there potential cumulative impacts with other existing development or development not yet begun but for which planning permission exists?	The Site is self-contained within its boundaries. Existing committed Developments exist to the west and south of the site. The Proposed Development would be designed to best practice standards and sympathetically with the surrounding area.

Screening Criteria	**Proposed Development**
During the construction periods, all developments will be required to implement a CEMP which will remove, reduce and offset potential impacts during construction activities. It is therefore considered that the cumulative effects during the construction stage would not be significant. The intervening boundary vegetation and existing roads between the Proposed Development and the committed developments identified in **Table 1** results in there being minimal intervisibility between the developments. As such it is not anticipated that there will be significant cumulative effects on the local streetscape character or visual amenity. It is not anticipated that the Proposed Development and committed developments will include significant noise producing activities which cannot be controlled via commonplace measures	

(e.g., setting noise limits at nearby sensitive receptors). It is not anticipated that there will be significant cumulative effects with regards to noise. Traffic will be produced during the operational phases of the Proposed Development and the committed developments. It is anticipated that, given the scale of the developments, the potential impacts on the capacity of the local highways network would not be significant. Furthermore, the developments would implement a Travel Plan to encourage sustainable means of transport and discourage single occupancy journeys. The Proposed Development, and committed developments, are situated in a sustainable location within close proximity to good public transport links. The Travel Plans will also aid in reducing any impacts relating to air quality. Given the above, it is not anticipated that there will be significant cumulative effects as a result if the Proposed Development in combination with the committed developments identified in **Table 1**.	
Should the application for this development be regarded as an integral part of a more substantial project? If so, can related developments which are subject to separate applications proceed independently?	No, the Proposed Development would not result in further consequential development or works.

Screening Criteria	Proposed Development
c. Use of natural resources	
Will construction or operation of the development use natural resources such as land, water, material or energy, especially any resources which are non-renewable or in short supply?	Inevitably, the construction and operational phases of the Proposed Development will result in some increases in the use of resources such as water, land, materials and energy. Significant adverse effects on the area's natural resources are not expected however and any potential adverse effects could be mitigated, through measures such as sustainable design and construction.
d. Production of waste	
Will the development produce wastes during construction or operation or decommissioning?	As with nearly all construction, the Proposed Development will result in waste materials from the preparation and undertaking of works. Construction waste would be reused and recycled where possible and any waste will be managed in accordance with all applicable legislation and disposed of in line with best practice. A Site Waste Management Plan will be developed and implemented during the construction phase. Once operational, the Proposed Development will generate waste typical of a modern, commercial development, and this will be collected and disposed of by the relevant municipal waste operator in line with best and licensed practice. A Waste Management Strategy could be devised to ensure waste is managed appropriately in line with the Waste Hierarchy.
e. Pollution and nuisances	
Will the development release	Low level emissions would be expected due to vehicles travelling to and from the Site,

any pollutants or any hazardous, toxic or noxious substances to air?	during both construction and operation. Additionally, the Proposed Development may result in minor dust emissions during construction phases. However, appropriate measures will be put in place to minimise and mitigate any potential adverse effects, implemented through a Construction Environment Management Plan (CEMP) submitted pursuant to a planning condition to be imposed should the planning application be granted.
.	The potential exists for the Proposed Development to increase light pollution in the area. However, the effects of light pollution can be minimised and mitigated through compliant and sympathetic design. Additionally, the Site is located within close proximity to a developed area which is already lit. Given the proposed use, no significant electromagnetic radiation, heat or energy releases are anticipated
Will the development lead to risks of contamination of land or water from releases of pollutant onto the ground or into surface waters, groundwater, coastal waters or the sea?	Best practice measures will be used to reduce the risk of contamination of soil and water during implementation of a CEMP. The application will be supported by a Flood Risk Assessment and an sustainable urban drainage strategy (SuDS), which will be designed to reduce the risk of contam operational phase. The planning application will be supported by a Ground Conditions report, which would provide adverse effects identified.

f. Risk of major accidents and/or disasters, including those caused by climate change and also having regard to particular to substances or technologies used.

Will there be a risk of accidents during construction or operation of the development which would have effects on people or the environment?	During the construction phase, the contractor(s) would implement measures in accordance with health and safety legislation and requirements and use best practice to minimise the risks of accidents that would have effects on people or the environment. No major risks in relation to accidents or health have been identified on-site at present. There are no anticipated significant risks of major accidents and/or disasters during the operation of the Proposed Development. The layout and design of the Proposed Development would take account of any perceived constraints and ensure the design principles account for best practice guidelines and standards to mitigate any risk during the operational phase.
Will the development involve use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment (flora, fauna, water supplies)?	No. It is not considered likely that the Proposed Development would involve the use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment.

g. Risks to human health	
What are the risks to human health, such as from water contamination or air pollution?	Given that the site is an agricultural field and not previously developed land, the potential for ground contamination to cause water pollution is limited. However, the planning application has been supported by Ground Conditions reports, to demonstrate that the development would not result in significant effects on human health. The planning application has been supported by an Air Quality

	Assessment which concludes that, based upon assessment results, air quality factors are not considered a constraint to development.
h. Other characteristics	
Potential physical changes (topography, land use, changes in water bodies etc) from construction, operation or decommissioning of the development?	The Proposed Development will result in a land use change from greenfield To a mixed commercial / industrial use. However, this land use will be in keeping with the scale of developments in the surrounding area.
2. Location of the development	
a. Existing and approved land use	
Are there existing land uses on or around the location which	The Site currently comprises greenfield agricultural use, use. There is residential development to the south of the Site and commercial to the west. The implementation of a CEMP would reduce the risk of any

could be affected by the development, e.g. residential, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying?	adverse construction noise, traffic, and air quality effects.
Is the development located in a previously undeveloped area where there will be a loss of greenfield land?	Yes. There are no trees on the site where the land has been used for grazing. , the entire Site has been previously developed. However, Ecology assessments have been undertaken, and reports submitted in support of the planning application, with appropriate mitigation proposed if required.

b. Relative abundance, availability, quality and regenerative capacity of natural resources in the area and its underground	
Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the development? • Soil • Land • Groundwater resources • Surface waters • Biodiversity • Forestry • Agriculture • Fisheries • Tourism • Minerals	There are no significant land designations within or in close proximity to the Site. buildings. A Preliminary Ecological Appraisal (PEA) has been undertaken along with an Ecological Assessment and has been submitted with the planning application. On-site, measures would be implemented to minimise potential impacts during both the construction and operational phases. There are no surface waters on-site. There are no listed buildings within the Site but a Heritage Assessment Has been undertaken and submitted as part of the application due to the Potential presence of a Roman Road.

c. Absorption capacity of the natural environment	
Are there any areas on or around the location which	A Heritage Assessment has been undertaken and submitted as part of the application to show no impact on any protected areas.

are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the development?	
Are there any other areas on or around the location which are important or sensitive for reasons of: • Wetlands, riparian areas, river mouths; • Coastal zones and the marine environment; • Mountains and forest areas; • Nature reserves and parks; • European sites and other areas classified or protected under national legislation; • Areas in which there has already been a failure to meet the environmental	The Site is not within any aquatic or biodiversity-sensitive areas. The area of residential development to the south of the Site would be Separated by a buffer zone between the two developments. The Proposed Development would be designed in such a way as to minimise operational phase.

quality standards laid down in union legislation and relevant to the project, or in which it is considered that there is such a failure; • Densely populated areas; and • Landscapes and sites of historical, cultural or archaeological significance.	
Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected?	The submitted PEA has not identified any protected or sensitive species Of fauna and flora.

Are there any inland, coastal, marine or underground waters on or around the location which could be affected?	No.
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?	No.
Are there any areas or features of high landscape or scenic value on or around the location which could be affected?	There are no national or local landscape designations within 1km of the Site. The Site does not fall within a 'valued landscape' as classified within the National Planning Policy Framework (NPPF). It is considered that the Proposed Development would be in keeping with the scale of surrounding development.
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?	No.

Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected?	A Transport Assessment has been undertaken to support the planning application, which would assess the impact on local transport routes. This assessment would recommend measures to minimise potential impacts on these local transport routes.
Is the development in a location where it is likely to be highly visible to many people?	The site is visible from Lindley Moor Road and Crosland Road but the Proposed Development would not be out of character for the area.
Are there any areas or features of historic or cultural importance on or around the location which could be affected?	As mentioned above, a Heritage Assessment Report has been submitted With the application to show no features of historic or cultural importance will be affected .
Are there any areas on or around the location which are densely populated or built up, which could be affected?	There is an area of residential development to the south of the Site which comprises approximately 109 houses. A buffer will be in place between the developments and appropriate planning conditions in respect of landscaping and noise will ensure the residents of the residential areas are not expected to be significantly impacted by the Proposed Development.

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Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected?	No.
Is the location of the development susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the development to present environmental problems?	According to the Environment Agency (EA) flood map for planning, the Site is wholly located within Flood Zone 1, thus is at low risk of flooding. The Site is not considered to be susceptible to any other natural hazards.

3. Characteristics of the potential impact	
a. Extent and nature of the impact	
Will the effect extend over a large area?	No, the Proposed Development will be confined to the Site.
Will many people be affected?	Nearby residents and land users may be affected during construction phase of the Proposed Development. However, the implementation of construction best practice measures through a CEMP will minimise any potential adverse effects. A Transport Assessment would be undertaken to identify and mitigate any potential adverse impacts on the local traffic network. Potential impacts on the residential area directly east of the Site can likely be minimised through design, it is not considered that people would be significantly affected by the Proposed Development once Operational.
What will be the nature of the impact?	It is anticipated that the accompanying planning documents will be sufficient to assess any potential impacts, and the implementation of the mitigation measures proposed within these documents will reduce the potential for adverse effects on nearby sensitive receptors.
b. Transboundary nature of the impact	
Will there be any potential for	No, there will not be any transboundary impacts as a result of the Proposed Development.

transboundary impact?	
c. Magnitude and complexity of the impact	
Will there be a large change in environmental conditions?	There is unlikely to be a large change in environmental conditions associated with the Proposed Development.
Will the effect be unusual in the area or particularly complex?	No, the Site is within an urban area.
Will many receptors other than people (fauna and flora, businesses, facilities) be affected?	A review of DEFRAs Multi Agency Geographical Information for the Countryside (MAGIC) website2 has been undertaken which has not identified any sensitive ecological receptors near the Site. However, a PEA has been undertaken, and necessary ecological surveys have been undertaken and reported on in an Ecological Impact Assessment (EcIA). A CEMP will be developed and implemented which will include measures to reduce, remove and offset impacts during the construction phase. It is not anticipated that there will be significant impacts on nearby receptors.
Will valuable or scarce features or resources be	It is not anticipated that any valuable or scarce features or resources would be affected as a result of the Proposed Development.

affected?	
Is there a risk that environmental standards will be breached?	Recommendations within reports to support the planning application would make recommendations to ensure that no environmental standards would be breached as a result of the Proposed Development.
Is there a risk that protected Site, areas and features will be affected?	There are no designated ecological sites within the Site. There are no designated heritage assets within the Site and no heritage assets beyond experience significant impacts.

d. Probability of the impact

Is there a high probability of the effect occurring?

No. As discussed above, the Proposed Development is unlikely to result in significant adverse effects and any potential impacts will be mitigated appropriately.

Is there a low probability of a potentially highly significant effect?

No. As discussed above, the Proposed Development is unlikely to result in significant adverse effects and any potential impacts will be mitigated appropriately.

e. Expected onset, duration, frequency and reversibility of the impact	
What will result in the onset of the impact?	N/A. As discussed above, the Proposed Development is unlikely to result in significant

	adverse effects and any potential impacts will be mitigated appropriately.
Will the effect continue for a long time?	The design life of the Proposed Development is likely to be up to 60 years. Therefore, residual impacts during the operational phase are likely to last in line with this timescale.
Will the effect be permanent rather than temporary?	Construction effects would be short-term, whereas operational effects would be permanent.
Will the impact be continuous rather than intermittent?	Construction effects would be intermittent and operational effects would be continuous.
If intermittent, will it be frequent rather than rare?	Intermittent effects during the construction phase are likely to be frequent, but only during standard construction hours.
Will the impact be irreversible?	Impacts during construction would be reversible, whereas impacts during the operational

	phase would be permanent.
Will it be difficult to avoid or reduce or repair or compensate for the effect?	It is not considered that avoiding, reducing, repairing or compensating for potential effects would be difficult.

f. Possibility of effectively reducing the impact

What is the possibility of the likely impacts arising from the Proposed Development being effectively reduced?

It is considered that potential effects arising from the Proposed Development are very likely to be reduced effectively.

CONCLUSION

This EIA Screening Report has considered whether the Proposed Development would result in likely significant effects on the environment.

The Proposed Development falls within Schedule 2, 10 (b) of the EIA Regulations as an 'Urban development project'. The Site exceeds the 5 ha threshold set out in the EIA Regulations.

The Screening Assessment has identified that significant adverse effects on the environment are not considered likely, and any potential adverse effects could be managed in accordance with standard methods.

Construction best practice measures will be utilised to reduce the risk of any potential adverse effects from construction. These measures would be implemented through a suitably worded CEMP.

The planning application will be supported by a number of documents and reports which set out and demonstrate the capacity of the Site and its surroundings to satisfactorily accommodate the Proposed Development.

As no significant adverse effect have been identified as a result of the development of the Site, the Proposed Development is therefore not considered to be an EIA development as defined by the EIA Regulations.

Yours faithfully,

David Storrie Dip TP, MRTPI

Chartered Town Planner

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