

London Borough of Waltham Forest
Development Management
Officer Report
Delegated Report

File Reference: 2011/1346/EIA
Case officer: TMCKOY
Date: 10/11/2011
Team leader: IA/RM
DC Manager: _____

[Signature] 10/11/2011

DECISION DEADLINE: 16/11/2011

CHECK LIST			Y / N or N/A
Has statutory CONSULTATION and Neighbour NOTIFICATION been properly carried out?			N/A
Has the application been properly ADVERTISED as relating to the following:			N/A
Is a departure from the development plan			
EIA application	Major development	Wider public interest	
Affects public right of way	Affects a Listed Building	Affects Conservation Area	
Does the application comprise a PSI application, referable to the Mayor of London?			N
Is it necessary to consult GOL under the following:			N
T&CP (Consultation) Direction 2009		Listed Buildings Direction 2009	
Do the matters considered in this report raise any unique HUMAN RIGHTS issues?			N
Are there any background documents other than application files and the UDP?			N

SPECIAL DECISION ISSUING INSTRUCTIONS:

None

SITE & SURROUNDINGS

The site comprises open grassland in the Lee Valley Regional Park that lies to the north of Lea Valley Ice Centre and is used for informal recreation. The site is within Metropolitan Open Land (MOL), on a flood plain and is within a Archaeological Priority Zone. The River Lee is situated to the west of the site and Lee Valley Riding School to the east. The site is bounded by a Principle Site of Nature Conservation Importance to the west and north as well as a SSSI to the north.

PROPOSAL

This application relates to a request for an EIA screening opinion regarding the construction of a temporary basketball training venue.

PLANNING HISTORY

2011/0454 – Formation of ramp and new path to Kings Head Bridge. **Approved May 2011.**

2008/1999 - Formation of 250m long cycle/pedestrian path with seating area. **Approved February 2009.**

1995/0597 – Refurbishment of Aquaduct Crossing. **Refused December 1995.**

1994/0604 – Various Landscaping Works. **Approved March 1995**

1993/0018 – Erection of 7 x 8 metre high security lighting columns to overflow car park.
Approved January 1993

1993/0639 – Erection of 6 x 8 metre high lighting columns. **Approved Oct 1993.**

1992/0449 – Landscaping improvement works (phase 1) and erection of temp classroom and 2 storage units. **Approved November 1992.**

1989/1352 – COU of car park to helicopter landing facility. **Refused August 1990**

1985/1164 – Extension to plant room. **Approved January 1996.**

1982/0458 – Erection of a covered ice rink and associated parking. **Approved October 1982**

CONSULTATIONS:

Public consultation not required for this type of application.

PLANNING POLICY

Adopted Waltham Forest Unitary Development Plan Policies 2006:

- SP1, SP2 – The Environment
- TRL17 – Indoor Leisure and Recreation
- TSP4 – Pedestrians and disabled People
- TSP5 – Cycling
- TSP16 – Traffic Management
- TSP17 - Parking
- ENV1 – Urban Open Space
- ENV4 – Uses within MOL
- ENV5 – Development within MOL
- ENV6 – Protected Species /Biodiversity
- ENV7 - Principal Sites of Nature Conservations
- ENV10 – Facilities for Visitors
- ENV13 - Lee Valley Regional Park
- ENV20 – Playing Fields
- BHE1 – Urban Design
- BHE2 – Urban Design
- BHE3 – Impact on neighbours
- BHE4 – Transport and Parking Implications

- BHE5 Access for all
- BHE9 – Lighting and Light pollution
- BHE17 – Archaeological Heritage
- WPM9 – Air Quality
- WPM10 – Noise pollution and vibration
- WPM11 – Light pollution
- WPM18 – Flood Risk
- WPM19 – Surface Water Run-off.

London Plan:

- Policy 7.17 - Metropolitan Open Land
- Policy 7.18 – Protecting Local Open Space and addressing local deficiency
- Policy 7.8 Heritage Assets and Archaeology
-

National Policy:

- PPS1 – Delivering Sustainable Development
- PPG2 _ Green Belts (London Plan p.231 says it applies equally to MOL)
- PPS9 – Biodiversity and Geological Conservation
- PPS17 – Planning for Open Space and Recreation
- PPS25 – Development and Flood Risk

Other material considerations:

Adopted Urban Design Supplementary Planning Document (Feb 2010)

MAIN PLANNING ISSUES

1. Determining whether the proposal is EIA development

The proposed scheme, by virtue of its size falls within the definition of Schedule 2 development under Column 1, 10(b) of Regulation 2 (1) Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as the proposal falls within the definition of "Urban Development projects" described therein by virtue of size of the site exceeding 0.5 ha.

Schedule 3 sets out the 'selection criteria' which must be taken into account in determining whether a development is likely to have significant effects on the environment. These are:

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;

(d) the production of waste;

(e) pollution and nuisances;

(f) the risk of accidents, having regard in particular to substances or technologies used.

CHARACTERISTICS OF THE DEVELOPMENT

A). Size of the development

In relation to the above, the tests at Annex A of Circular 2/99 are applied to establish whether an EIA is likely to be required. Para A.18 of Annex A suggests that an EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination. As the site is not currently built on, the proposed development will be significantly greater than its existing use, but given the temporary nature of the development, it is not considered to raise any significant issues.

The fact that the proposal includes a structure means that the impact will be markedly different than the existing use, however the construction of the building is such that little impact would occur. The supporting statement states *that 'the proposed intrusion in the ground is the removal and storage on site of a 50mm deep skim of earth to ensure a level surface can be created for the roadways and buildings to sit on'*.

Para A.19 states that "Development proposed for sites which have not previously been intensively developed are more likely to require EIA if:

- the site area of the scheme is more than 5 hectares; or
- it would provide a total of more than 10,000 m² of new commercial floorspace; or
- the development would have significant urbanising effects in a previously non, urbanised area (e.g. a new development of more than 1,000 dwellings)."

The site is under 5 hectares, no commercial floorspace is being provided and the floorspace that is being provided does not exceed 10,000 m². Due to the size and nature of the development it is not considered that the proposal will have an urbanising effect.

On this basis it is considered that an EIA is not required by virtue of the size of the development.

B). Cumulation

Although the development is in relation to the 2012 Olympics, this proposal has a limited use for a specific user group and because the rest of the development will not occur within the immediate proximity site, the cumulative impact is negligible.

C). Natural Resources

The proposed development is considered to have a low impact in terms of the use of natural resources.

D). Waste

Given the nature of the proposal it is not considered that it will generate waste of any significance.

E). Pollution and Nuisances

It is not envisaged that the proposal will result in significant levels of pollution and nuisances.

The proposed lighting will be located at the entrance and will be switched off by 10pm. Given the siting of the development it is not considered that the proposal will have any significant impact on the nearby occupants. Moreover the level of lighting can be controlled at application stage.

Given the temporary nature of the development, the comings and going of vehicles to the site between 9am and 10pm is not considered to be significant enough to warrant an EIA.

F). Risk of Accidents

Risks of accidents in relation to substances or technologies is considered to be low given the nature of the proposed development.

Due to the high profile nature of the development and its association with the 2012 Olympics, regard has to be had to potential terrorist threats. However, given its distance from the main Olympic venues and the fact that there will be a 3 metre security fence as well as monitored by security staff, it is not considered that the proposed development presents a risk that would warrant an EIA.

LOCATIONAL FACTORS AND GENERAL CONSIDERATIONS

Part 2 of Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 considers the environmental sensitivity of geographical areas likely to be affected by the development.

The site is currently open recreational space and although it is in an archaeological priority zone and is on a flood plain (Flood Risk Zone 2), the size and degree of permanency of the development and the impact of associated works is not considered to have a significant impact that would require an EIA.

By virtue of its size, association with the Olympics, its siting on MOL, proximity to a SSSI and partially on a Principle Site of Nature Conservation Importance, the proposal is more than local importance. However, the limited and temporary impacts are not significant enough to warrant the submission of an EIA.

The plans demonstrate that only the proposed path will effect the land designated as a Principal Site of Nature Conservation Importance. Again, given the size and temporary nature of the proposal and the fact that the land will be restored means that it is not considered significant enough to request an EIA.

It is not envisaged that the development will have any unusually complex and potentially hazardous environmental effects and what limited impact may arise can be addressed within the normal process of assessment for a non-EIA planning application.

CONCLUSION

The development calls within ~~Column~~ 1, 10(b) ,of Regulation 2 (1) Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 . The development has also been assessed in the light of the criteria set out in Schedules 2 and 3 of the EIA Regulations and Circular 2/99: Environmental Impact Assessment. It has been concluded that the proposal will not have significant environmental impacts on the site and the surrounding area and an EIA is not required for this development.