

APPENDIX 2 – SCREENING OPINION-NOT EIA

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

EIA Screening Opinion for DC/22/128559 received 23 September 2022, for:

Prior Approval application for the construction of a new footbridge with lifts and staircases, new entrances to Fernbrook Road And Springbank Road SE13, together with the removal of existing footbridges and canopy infill at Hither Green Station SE13 , under Part 18 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Screening Opinion

1. The Planning Practice Guidance (PPG) states at Paragraph 27 (Reference ID: 4-027-20170728) when a Local Planning Authority (LPA) receives an application which appears to be an application for Schedule 2 development, and the application has not been the subject of a Screening Opinion (SO) and there is no accompanying Environmental Statement (ES), the LPA must provide a SO on the need for EIA as if the applicant had requested such an SO. To ensure compliance with relevant regulations, an SO is provided below.
2. The site is currently a Borough grade SINC and an ecology survey was recently commissioned by the Council to establish if it could be designated as Metropolitan SINC. The Grove Park corridor is proposed for MSINC status which includes Hither Green Station SINC and would be updated in the emerging Local Plan.

Regulatory Framework

3. Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and Section 16 of the Railway Clauses Consolidation (RCC) Act 1845 will be material to the determination of the planning application but are not directly relevant to the decision on whether EIA is required to accompany the application.
4. The relevant regulations are the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) (the 2017 Regulations). Guidance on procedures under the 2017 Regulations is published in PPG. The 2017 Regulations identify two types of development projects: Schedule 1 developments, for which an EIA is mandatory, and Schedule 2 developments, for which EIA may be required.
5. The proposed development is not classified as Schedule 1 development.
6. The PPG sets out a flow chart for screening Schedule 2 projects to establish whether a development is required to be accompanied by an EIA. After establishing whether the development is described in Column 1 of Schedule 2 of the 2017 Regulations (Officers consider it is described in Column 1, as set out below). When screening Schedule 2 projects, the LPA must take account of the selection criteria in Schedule 3 of the 2017 Regulations.

Urban Development Project

7. Section 10B of the 2017 Regulations defines Urban Development Projects as:

(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.

The applicable thresholds and criteria for Section 10B are:

- 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.
8. Officers do not consider the current application constitutes an Urban Development Project. The application does not propose a shopping centre or car park, sports stadium, leisure centre or multiplex cinemas or any urban development of this intensive nature. The proposal includes the construction of a new footbridge with lifts and staircases, new entrances to Fernbrook Road and Springbank Road and the removal of existing footbridges and canopy infill. The development is unlikely to have an urbanising effect given the scale of the works, and existing developed urban character of the site with a pre-existing railway station.

9. In addition, it is not considered to be:

10. Section 10D of the 2017 Regulations includes:

(d) Construction of railways (unless included in Schedule 1).

The applicable thresholds and criteria for Section 10D are:

- i. The area of the works exceeds 1 hectare.
11. Officers do not consider the current application constitutes a construction of railway as Hither Green Railway Station is an established station, and no new railway tracks are proposed. In addition, the proposed improvement works fall below the applicable threshold as the proposed works would not exceed 1 hectare.

12. Furthermore, Section 13 Changes and Extensions includes:

- a) Any change to or extension of development of a description listed in Schedule 1 (other than a change or extension falling within paragraph 24 of that Schedule) where that development is already authorised, executed or in the process of being executed.
- b) Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.

- c) Development of a description mentioned in Schedule 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.

13. As mentioned earlier in this report, the proposed development is not classified as Schedule 1 development and does not fall within any of the paragraphs 1 to 12 of Schedule 2 developments.

Sensitive Area

14. The site is currently a Borough grade Sites of Importance for Nature Conservation (SINC). It is not a sensitive area as defined below.

15. It is noted that the location of proposed footbridge is not included in the SINC area, only the two proposed entrances would be constructed within the SINC area.

16. The application is located in a locally sensitive location, but is not wholly or partly located in a Sensitive Area, as defined by the Regulation 2(1) to the 2017 Regulations. A Sensitive Area is defined as:

- 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.

17. The PPG states that in certain cases, local designations which are not included in the definition of Sensitive Areas, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an EIA assessment is required. Given the conclusion around the nature of the location for Hither Green Railway Station, the site is not considered to be located in a Sensitive Area as defined by the 2017 Regulations.

Column 2 - Schedule 2 Thresholds

18. It is acknowledged that the site size does not exceed 5 Hectares. While the proposal is not considered to be described in Schedule 2 and is not an Urban Development Project, for completeness, an indicative Schedule 3 assessment is provided below which considers if the proposal, if it were a scheme pursuant Section 10B would be unlikely to have significant effects on the environment.

Characteristics of Development

19. As set out in Schedule 3 of the Regulations, the characteristics of development must be considered having regard, in particular, to –

- a) the size and design of the whole development;
- b) cumulation with other existing development and/or approved development;
- c) the use of natural resources, in particular land, soil, water and biodiversity;
- d) the production of waste;

- e) pollution and nuisances;
- 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;
- g) the risks to human health (for example, due to water contamination or air pollution).

Size and design

20. The development will take place at the existing railway station. The proposed development is not considered to be of a scale or nature, which would cause unusual impacts as a result of its characteristics. The planning assessment indicates the upgrade works are appropriate within the context of an established railway station. Whilst the development will cause physical changes to the site, the development is modest in scale, particularly when seen in the context of an existing railway station. The only change from the existing situation would be the introduction of a footbridge with lifts and staircases, new entrances to Fernbrook Road and Springbank Road, together with the removal of existing footbridges and canopy infill. Based on the information provided, the physical scale and design of the development, location of the site, and nature of such, the proposal is not deemed to raise significant environmental effects to warrant an EIA.

Cumulative Developments

15. It is not considered that there are any other significant developments within close proximity of the site that would differ the outcome of this screening request.

Use of Resources

21. Cumulative impacts occur when the effects of the proposed development combine over the same period of time with other effects in a locality. Given the nature of the established use of part of the site as a railway station and the comparative low intensity of the upgrade works (i.e. not re-build of the station), it is not considered that the proposal would have any significant demand in respect of use of resources. However, taking into account that the proposed works will be the main focus of development activity, it is considered that any cumulative impacts are likely to be locally based and unlikely to be significant such as to warrant EIA on these grounds.

The production of waste

22. The proposed development will generate waste during the construction phases but it is not considered that this consideration will be significant such as to warrant EIA on these grounds.

Pollution and Nuisances

23. Given the established use of the site for railway operation would not change, it is not expected the proposed development will give rise to pollution and nuisances the nature of which would warrant an Environmental Impact Assessment to be undertaken. In addition, there would be no car parking provision as part of the development which would not pose any adverse effects on local amenity.

Risk of Major Accidents

24. Nationally the number of major accidents or disasters affecting railways is very low. The proposed development does not include an increase in the number of trains or platforms. In terms of the EIA regulations the potential risk of accidents which could impact upon the environment is considered to be extremely low.

Risk to Human Health

25. Construction works would need to comply with health and safety legislation. Officers note that any risks to health as a result of construction works are to be addressed by condition. The Council's Highways Officer has requested the addition of a condition for the submission of a Construction Management Plan.
26. Given the established nature of the proposed development, it is not expected to give rise to risks to human health which would warrant an Environmental Impact Assessment to be undertaken.

Location of Development

27. As set out in Schedule 3 of the Regulations, the environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular 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

Existing and Approved Land Use

28. The proposed development would not change the existing land uses. There are no changes to the land use, as the station is an existing establishment, only the introduction of new entrances and reconfiguration of the internal layout to accommodate the new lifts, the footbridge and the ramps.

Resources

29. It is important to note the development may give rise to local impacts which would be assessed as part of the planning process, but are not considered likely to give rise to significant environmental impacts in the context of the EIA Regulations. It is noted that a Preliminary Ecological Report has been submitted to the Council's Ecological Regeneration Team and is being under assessment.

The absorption capacity of the natural environment

30. Whilst part of the proposed development (entrances) is within a protected area for nature conservation, the works comprise the upgrade of the accessibility levels of the existing station within the existing rail corridor and they are not likely to have an impact on the adjacent designated sites provided that appropriate working methods are utilised.

Types and Characteristics of the Potential Impact

1. As set out in Schedule 3 of the Regulations, the LPA must consider likely significant effects of the development on the environment must be considered in relation to criteria set out in the Characteristics of Development and Location of Development as outlined above, taking into account –
 - a) the magnitude and spatial extent of the impact (for example geographical area and size of the 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
31. The extent of any potential impacts will be highly localised and the scheme comprises the insertion of a new footbridge with lifts and staircases, new entrances, together with the removal of existing footbridges and canopy infill.
32. It is considered that the upgrade of the site for a more accessible railway station is compatible with the general character of the area and will be generally consistent with the surrounding context and adjoining land uses. The proposal would not give rise to any particularly complex or greater than local impacts.
33. In respect of the characteristics of its potential impacts, the proposed development in this area may give rise to local impacts which would need to be assessed as part of the planning process, but are not considered likely to give rise to significant environmental impacts in the context of the EIA Regulations.

Conclusion

34. On the basis of the indicative Schedule 3 assessments above, taking account of relevant Government advice and the application submission, it is not considered that the nature, scale and location of the development would, either in isolation or cumulatively with other developments, give rise to significant environmental effects in the context of the EIA Regulations.

Recommendation

35. The proposal is not Schedule 2 development as it cannot be described as an Urban Development Project pursuant to Schedule 10B, 10D or 13 to the 2017 Regulations. Notwithstanding this conclusion, an indicative Schedule 3 assessment indicates that even if the proposal were to be defined as an Urban Development Project (meeting the 'exclusion thresholds' based on site size exceeding 5 Hectares) the proposal is unlikely to have a significant effects on the environment.
36. Given the characteristics and location of the development, an EIA is unlikely to be required. This view considers that the site is a locally sensitive location, but does not fall within a Sensitive Area as defined by the 2017 Regulations.

37. Therefore, the Local Planning Authority adopts a Screening Opinion under Regulation 8 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) and Environmental Statement is not required.

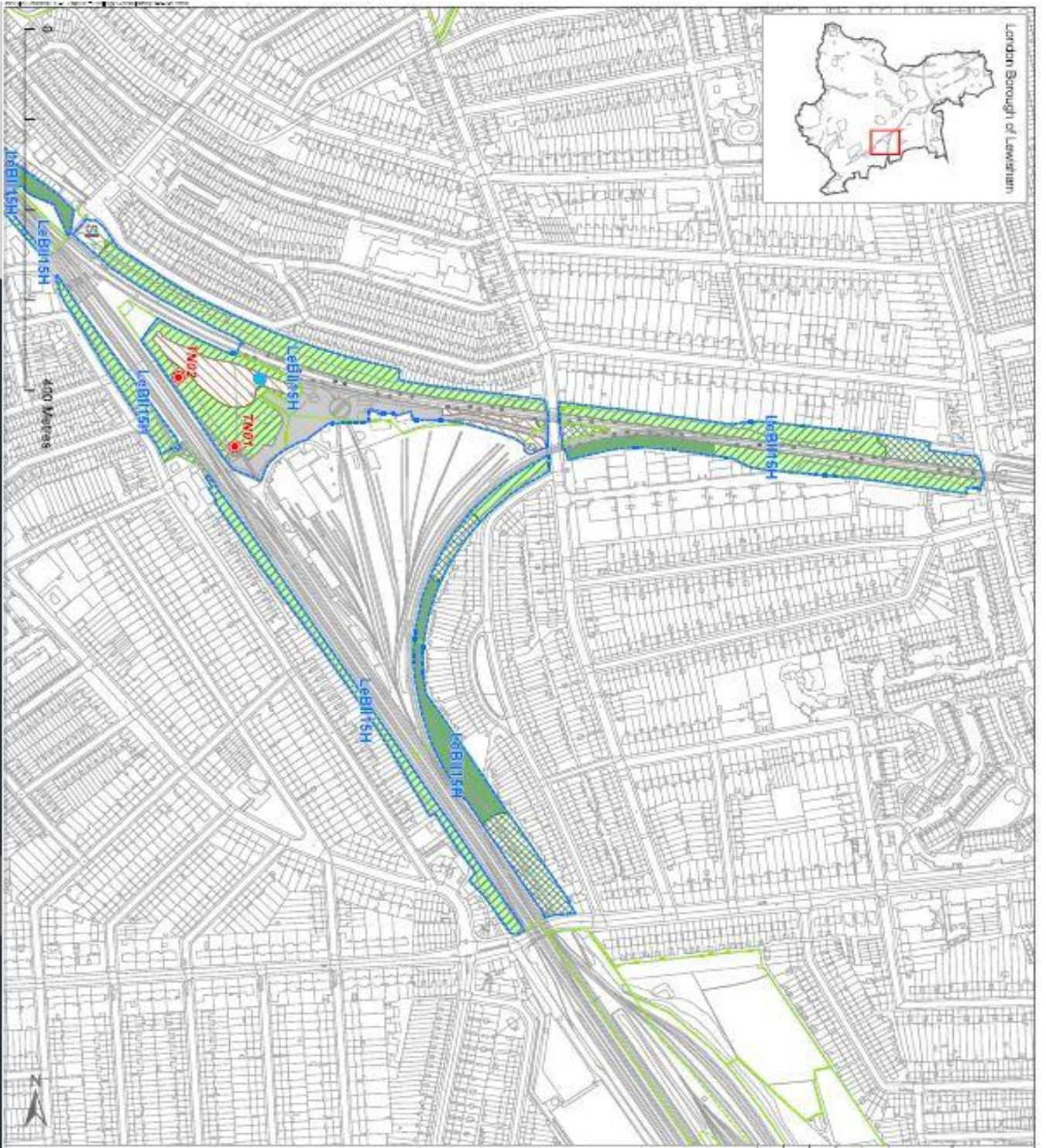
Case Officer – Antigoni Gkiza 30/11/2022

Signed by –

A handwritten signature in black ink that reads "M. Forrester". The signature is written in a cursive style with a large initial 'M'.

Michael Forrester
Head of Development Management

30/11/2022



Job title: Review of SHCA: Leabli+SH - Haver Green station
 TEC Job no. 141558

Client: London Borough of Lewisham
 Drawing title: HAQ/1/1 SURVEY MAP

Page:	37 of 64	Scale:	1:4,000
Date of survey:	07/07/2015	Surveyor:	RM
Drawn/Checked:	JD/JS/BN	Date:	21/11/2016
Approved:			

KEY

	SHCA boundary		Other Open Space
	London Borough of Lewisham		Tree
	Vegetated wall/terrace		Non-native hedge
	Native hedge		Scattered trees
	Orchard		Native woodland
	Non-native woodland		Floral shrubbery
	Scrub		Academy grassland
	Roughland		Adornments (leaves)
	Basic grassland		Semi-improved meadow grassland
	Acid grassland		Improved grassland
	Tall herbs		Power/Substation
	Perennial lawn		Baro artificial turf
	Spontaneous herbaceous sward		Fixed awning
	Roadside & openland		Typha swamp
	Tree soil and rock		Tree car
	Wet marginal vegetation		Target Note
	GLA Other features		Target Note
	Shakespeare green roof		Target Note
	Shedding		Target Note
	Construction site		Target Note
	Vegetation planting		Target Note