

Appendix 11: Southend Borough Council's EIA Screening Response, dated 31 October 2019.

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Response, dated 31 October 2019.**

Reference:	19/01706/RSE
Application Type	Request for Screening Opinion
Ward:	Milton
Proposal:	Comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block, the erection of 3 no new buildings comprising a mixed-use leisure building with a cinema (3,590sq m of Use Class D2 floorspace), 3,256sq m of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sq m of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,615sq m of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park, an 2,961sq m 80 bedroom hotel (Use Class C1) with cafe, and, a 580 sq.m building (Use Class A3, A5 or D2). Proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity sub-station (Request for Screening Opinion)
Address:	Seaway Car Park, Seaway, Southend-On-Sea SS1 3DS
Applicant:	Turnstone Southend Ltd
Agent:	Carter Jonas
Consultation Expiry:	N/A
Expiry Date:	8 th October 2019
Case Officer:	Charlotte White
Plan Nos:	S019/P3063, S019/P3057, S019/P3060, S019/P3061, S019/P3062, S019/P3058, S019/P3059, S019/P3006 Rev p12, S109/P3000 Rev p12
Recommendation:	EIA NOT REQUIRED

1 Site and Surroundings

- 1.1 The application site is irregular in shape and approximately 3.6 hectares in size and includes the Queensway Roundabout and its approach areas, Lucy Road and Herbert Grove. The site is located to the north of Marine Parade and to the west and north of Hartington Road. It is in use primarily as a public car park and in planning terms is brownfield or previously developed land. The site also includes areas of soft landscaping.

- 1 2 Known as *Seaways*, the majority of the site is identified as Opportunity Site (CS1 2) within the adopted Southend Central Area Action Plan (SCAAP) in which the proposed land use is summarised as for '*leisure, tourism, restaurants, cinema, hotel, public parking*' (see table 6 opportunities site) Paragraph 197 of the SCAAP states in relation to opportunity site CS1 2 *Seaways* '*Seaways, currently a surface level car park, presents a major opportunity for mixed-use development, contributing to the leisure, cultural and tourism offer of Southend Central Area through the provision of uses such as restaurants and cinema, car parking, public open and green spaces, improved access and connectivity through the creation of 'Spanish Steps' linking this opportunity site to the promenade of Marine Parade, as well as possibly a hotel or residential*'
- 1.3 Policy CS1 of the SCAAP states in relation to opportunity site CS1 2 *Seaways* '*the Council will pursue with private sector partners, landowners and developers a high quality, mixed use development including the provision of leisure, cultural and tourism attractions, which may include restaurants, cinema, gallery, hotel, public and private open spaces, and vehicle and cycle parking. The potential for residential development may also be explored*'
- 1 4 Part (d) of Opportunity site CS1.2 *Seaways* as included in Policy CS1 of the SCAAP states '*Design and layout solutions should allow for (d) addressing the need for replacement car parking provision in line with Policy DS5 Transport, Access and Public Realm*' Part 2 of Policy DS5 of the SCAAP states '*In order to support the vitality and viability of the SCAAP area the Council will (a) maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area's ability to accommodate visitor trips, whilst enabling the delivery of relevant opportunity sites (b) Require any development proposals that come forward on key visitor car parking areas in the south of the Southend Central Area (as identified in Table 5 and Map 4) to ensure that there is no loss of key visitor car parking.*' The SCAAP states that there are 478 spaces at the Seaway car park. More recently the coach parking has been removed from Seaway car park and these spaces have been made into car parking spaces, therefore currently the Seaway car park has 661 car parking spaces.
- 1 5 Herbert Grove contains two storey properties which are a mix of guest house accommodation and dwelling houses. Immediately beyond Herbert Grove is the Church of St John the Baptist and the Royals Shopping Centre. At the southern end of Herbert Grove is a hoarded site that comprised a former ice cream factory building, which has now been demolished. To the south of the Royals Shopping Centre and behind this former factory is the Park Inn Hotel.
- 1 6 Marine Parade lies to the south of the site where land uses along the seafront are predominantly leisure related. East of the site is Hartington Road and Hartington Place which are predominantly residential streets containing terrace houses.
- 1 7 A small part of the site, within the south-western corner is located within the Clifftown Conservation Area. To the west of the site are locally listed buildings, Palace Hotel and St John's Church. To the south of the site there are a number of Grade II Listed Buildings including 1-3 Marine Parade, 4 Marine Parade, Hope

Hotel, Marine Parade and the Pier To the east of the site there are further locally listed buildings including The Cornucopia, 39 Marine Parade and The Falcon Public House, Marine Parade and further east is the Kursaal Conservation Area and the Grade II Listed The Kursaal, Eastern Esplanade

1 8 Land levels fall across the site broadly from north west to south east The site is extensively hard surfaced but has some areas of tree planting, mainly to the west on Herbert Grove and to the north of the car park The site area includes banked scrubland on the eastern boundary of the site next to the rear gardens of some of the Hartington Road properties.

1 9 Vehicular access and egress points for the site are at Chancellor Road to the north, Queensway to the north and Lucy Road/Hartington Road in the site's south eastern corner

1 10 The submitted reports and statements are

- Heritage Assessment
- Preliminary Ecological Appraisal
- Habitats Regulations Assessment Screening Report
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan
- Archaeological Evaluation Report
- Phase 1 Geotechnical and Geo-environmental Desk Study
- Transport Assessment
- Transport Assessment Addendum
- Air Quality Assessment
- Air Quality Memo
- Flood Risk Assessment, Surface Water Drainage and Foul Water Drainage Strategy
- Landscape and Visual Impact Assessment
- Acoustic Report
- Addendum to Acoustic Report

2 The proposal

2 1 A screening opinion was previously issued by the Council under reference 17/01463/RSE for a similar proposal to redevelop the site with a mixed use development comprising a Class D2 cinema, other Class D2 uses, Class A3 restaurant uses and a Class C1 hotel and parking This previous screening opinion determined that the previous, similar scheme *'would not be likely to have significant effects on the environment pursuant to the Regulations Therefore an EIA is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with an application for the development described in the information submitted'*

2 2 In submitting this current screening request, the applicant states *'it is considered prudent to request a further screening opinion from the Council to ensure that the most up to date development proposals are screened under the Regulations and in light of the technical information that is now available since the Previous*

Screening Opinion was undertaken

- 2 3 The development to be considered is described as the comprehensive redevelopment of the site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block, the erection of 3 new buildings comprising a mixed-use leisure building with a cinema (3,590sq m of Use Class D2 floorspace), 3,256sq m of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sq m of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,615sq m of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park, an 2,961sq m 80 bedroom hotel (Use Class C1) with cafe, and, a 580 sq m building (Use Class A3, A5 or D2) Proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity substation A total of 555 car parking spaces are proposed
- 2 4 The documents that have been submitted with the screening request include proposed plans, a site location plan, a screening opinion statement, acoustic report, flood risk assessment, surface water drainage and foul water strategy, addendum to acoustic planning report, habitats regulations assessment screening report, transport assessment, Phase 1 Geotechnical and Geo-environmental desk study, air quality assessment and air quality memo, tree survey, arboricultural impact assessment, transport assessment addendum, preliminary ecological appraisal, archaeological evaluation report, Heritage Statement and Landscape Visual Impact Assessment
- 2 5 The proposed development comprises three separate buildings, a stand-alone structure of 6 storeys for the hotel, a main leisure building of between 3 and 6 storeys housing a cinema, multi-level car park, other Class D2 uses and food and drink establishments (Class A3 and A5) uses and a smaller detached leisure/restaurant unit of 2 storeys
- 2 6 It is also proposed to provide areas of public realm including hard landscaped and soft landscaped areas of open space No's 1, 3 and 29 Herbert Grove and the existing toilet block in the south-eastern corner of the site will be demolished A total of 555 parking spaces are proposed in the form of a surface car park and a multi-level car park A substation is also proposed

3 Relevant Planning History

- 3 1 18/02302/BC4M - Comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and the existing toilet block, erect new buildings for mixed leisure uses comprising a cinema (3,590m² of Use Class D2 floorspace), 3,256m² of floorspace for other assembly and leisure uses (within Use Class D2) and a further 4,518m² of floorspace for uses falling within Use Classes A3 (restaurants and cafes), A5 (hot food takeaways) or D2 (assembly and leisure), an 80 bedroom hotel (Use Class C1), a new multi-storey car park, alterations to form new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure – pending determination

3 2 17/01463/RSE – Redevelopment of car park with cinema complex, hotel and retail units (request for screening opinion) – determined that EIA is not necessary and an Environmental Statement is not required

3 3 17/00902/DEM - Demolish former Rossi Ice Cream Factory (Application for Prior Approval for Demolition) – Prior Approval required and granted

4 Representation Summary

4 1 Public Consultation

Representations have been received from RPS on behalf of The Stockvale Group which have been considered in the formulation of this screening opinion. Copies of these representations are included within appendix 1 of this report but in summary, the main comments include

- The development is likely to be considered EIA development and requires the submission of an Environmental Statement. If this is not the conclusion of the Council then a Screening Direction from the Secretary of State will be requested.
- There are errors within the LVIA report and the approach fails to comply with the GLVIA guidance. The applicant acknowledges the development will give rise to substantial effects which are local and not significant but there is no test for that approach. The effects on receptors are significant and the development should be considered EIA development. Significant effects on views are likely. No justification for the different levels of impact identified in the 2017 screening opinion statement and the 2019 screening opinion statement. The level of overall effect has been underestimated.
- The development has the potential to adversely affect a number of heritage assets. The Heritage Assessment acknowledges that there will be considerable change to the Conservation Area which might well be classified as a significant effect. Concerns are raised regarding the adequacy of the Heritage Statement and RPS concludes an EIA is required on heritage impact grounds alone. A number of concerns are raised regarding the adequacy of the Heritage Statement submitted. Reference is made to Historic England's concerns and it is stated that the development has the potential to be visually overly dominant affecting the heritage assets.
- Overall effects on buried archaeology or built heritage are not set out.
- Concerns relating to the findings and conflicts between the LVIA and Heritage Assessment.
- There will be significant socio-economic effects. Economic Benefits Assessment and Addendums submitted with the application have not been included with the EIA screening request. There is a lack of information. The reports submitted with the application indicate that the benefits associated with the development are significant. This is not set within an EIA context but there is an argument that there are significant socio-economic effects.
- There could be a significant effect on the habitat of protected species. Absence of emergence surveys regarding bat roosts at the toilet block and fails to provide complete assessment of the potential risk to bats.
- Significant effect arising from air quality taking into account cumulative

effects. Concerns are raised regarding the adequacy of the technical air quality reports

- The Habitats Regulations Assessment fails to properly assess the impact of dog walking activities from hotel visitors, particularly in winter time, which could add pressure to the European designated sites. Report inadequately demonstrates how it concluded that there would not be significant effects. The information provided to screen out significant effects on European designated sites appear to be limited. The report does not consider air quality emissions from traffic. The conclusions are unclear. Not clear structured screening process has been followed
- Without recent information, it is unclear to what extent there is sufficient information available to consider the effects of the proposed development in terms of contamination and ground conditions
- There may be other effects which are significant.
- RPS acknowledges that other similar Schedule 2 leisure development may not have such significant receptors so close to the development and could be screened out but state that this is not the case here
- The developer has sought to underplay the potential effects without justification
- The Council has no professional landscape/townscape person employed
- Concerns raised regarding procedure and findings and outcomes of Council's previous screening opinion (17/01463/RSE)
- Historic England's concerns raised warrant a revisit of the information from an EIA context
- In terms of transport effects the information underplays the level of traffic generation, there are modal split and parking concerns and there is a lack of information/consideration. Traffic has not been considered appropriately. The proposals create an excess parking demand which cannot be accommodated on the Seaway car park
- Lack of information provided in terms of noise effects. The noise report submitted is limited and concerns are raised regarding its adequacy
- Lack of cumulative effects information
- Lack of information provided in terms contamination and ground conditions
- Lack of information in terms of watercourses and water quality
- Lack of information included in the tree survey/arboricultural impact assessment and concerns raised regarding the adequacy of the reports. Lack of information regarding TPO 6/2019. Report is contrary to Council's findings in respect of making the TPO
- Approach to health could be improved
- The demolition of the ice cream factory should be considered as part of the EIA considerations

4.2 Historic England

From the information given, we consider that there appears to be a low likelihood of significant effects on the historic environment, and that EIA may not be required in relation to the historic environment. It is recommended, however, that an applicant seek confirmation from the relevant local authority Historic Environment staff for an informed local opinion of need.

4 3 **Highways England**

Highways England have no comment on whether an EIA is required, but if it is (or is produced voluntarily), it should be compatible and consistent with the required Transport Assessment for the application site. The method of assessment for the EIA should be in line with Highways England's recommended method of drawing upon the information presented in the Transport Assessment that we expect to be produced for this site. Any assessment should be undertaken in accordance with the DfT Circular 02/2013 "*The Strategic Road Network and the Delivery of Sustainable Development*" outlining how Highways England will engage with developers including assessment requirements to deliver growth and safeguard the operation of the SRN. This includes a robust assessment of the vehicular impacts "with" and "without" development for the horizon year (full occupation) and the end of the Local Plan period to examine the net impact of non-consented development.

4 4 **Natural England**

We can confirm that the application site is either located within, adjacent to or in close proximity to the following sites:

- Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI)
- Benfleet and Southend Marshes Special Protect Area (SPA)
- Outer Thames Estuary Special Protection Area (SPA)
- Benfleet and Southend Marshes Ramsar Site

Based on the material provided, it is our view that the proposed development is not likely to significantly affect the interest features for which they are notified.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this proposal is likely to affect such populations to an extent sufficient to require an EIA.

Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result this application may raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character that may be sufficient to warrant an EIA. We therefore recommend advice is sought from your own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape, geodiversity and biodiversity receptors that may be affected by this development.

4 5 **Cadent**

Searches have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or medium pressure (below 2 bar) gas pipes and associated equipment (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

Cadent have identified operational gas apparatus within the application site.
ment Control Report

boundary This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land The application must ensure that proposed works do not infringe on Cadent's legal rights If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus

4.6 **SuDS Engineers**

The Flood Risk Assessment, Surface Water Drainage and Foul Water Drainage Strategy (Mott MacDonald, December 2018, Document Ref. 325645/007/A) demonstrates that a suitable drainage strategy is identified in accordance with the requirements set out by the NPPF, Non-Statutory Technical Standards for SuDS and the Essex County Council SuDS Design Guide, therefore, any impacts on surface water flood risk and from the proposed development can be mitigated

4.7 **Essex Police**

There is no reference to physical security, Southend's Core Strategy, states that the Borough Council places a high priority on doing all they can to reduce crime, it further states that one of Southend's key objectives is to reduce the fear of crime As such, we would invite the developers to contact us with a view to discussing crime prevention through environmental design

5 **Relevant Legislation**

5.1 The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (which this screening opinion refers to as the 'Regulations')

5.2 EU Directive 2011/92/EU (as amended)

5.3 Paragraph 5 (5) of the Regulations states that where a relevant planning authority adopts a screening opinion under regulation 6(6), or the Secretary of State makes a screening direction under regulation 7(5), the authority or the Secretary of State, as the case may be, it must—

(a) state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3,

(b) if it is determined that proposed development is not EIA development, state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment, and

ii (c) send a copy of the opinion or direction to the person who proposes to carry out, or who has carried out, the development in question

6 **The Regulations**

6.1 The Regulations apply to two separate lists of development project. 'Schedule 1 Development' for which the carrying out of an Environmental Impact Assessment (EIA) is mandatory 'Schedule 2 Development' requires the carrying out of an EIA if the particular project exceeds the thresholds and criteria in column 2 of

Schedule 2 or if any part of the development to be carried out is in a sensitive area and the development results in significant environmental effects. A sensitive area means any of the following

- (a) Land notified under Section 28(1) (Sites of special scientific interest) of the Wildlife and Countryside Act 1981
- (b) A National Park within the meaning of the National Parks and Access to the Countryside Act 1949
- (c) The Broads
- (d) A property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage
- (e) A Scheduled Monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979
- (f) An area of outstanding natural beauty designated as such by an order made by Natural England under Section 82(1) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000 as confirmed by the Secretary of State.
- (g) A European site

- 6.2 The development described in the documentation submitted is not considered to be of a description identified in Schedule 1 of the Regulations
- 6.3 The site does not fall within a Site of Special Scientific Interest (SSSI), a National Park, the Broads, a European site, an Area of Outstanding Natural Beauty (AONB) and is not a World Heritage Site or Scheduled Monument and is not therefore classified as being within a sensitive area
- 6.4 The development described in the documentation submitted is considered to be of a description identified in Column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'infrastructure projects' and more specifically 'urban development projects' (paragraph 10(b) of Schedule 2) which includes "*the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas*"
- 6.5 The applicable thresholds and criteria for urban development projects as set out in column 2 of the EIA Regulations 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
- 6.6 In this instance, the development proposals include more than 1 hectare of urban development which is not dwellinghouse development. The proposal is therefore Schedule 2 development and the development should therefore be screened in accordance with Schedule 3 of the Regulations to determine whether the project is likely to have significant effects on the environment and hence whether an Environmental Impact Assessment is needed. Paragraph 017 Reference ID. 4-017-20170728 of the National Planning Practice Guidance (NPPG) states 'If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the

proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required' The NPPG goes on to states "Only a very small proportion of schedule 2 development will require an EIA" (018 Reference ID 4-018-20170728

- 6 7 The 'Indicative Screening Thresholds' annex within the National Planning Practice Guidance outlines the following indicative criteria and thresholds, for development proposals within part 10(b) *'Environmental Impact Assessment 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'* For *'sites which have not previously been intensively developed'* [the criteria and thresholds are], (i) *area of the scheme is more than 5 hectares, or (ii) it would provide a total of more than 10,000sqm of new commercial floorspace, or (iii) 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 annex states that the key issues to consider for this type of development are the *'Physical scale of such development, potential increase in traffic, emissions and noise'*
- 6 8 Paragraph 057 (ID. 4-057-2070720) of the National Planning Practice Guidance states *"The figures in column 3 are indicative only and are intended to help determine whether significant effects are likely. However, when considering the thresholds, it is important to also consider the location of the proposed development"*
- 6 9 In terms of the above, the applicant states *'It is a matter of judgement as to whether the existing site should be assessed as having not previously been intensively developed. On the one hand the existing site comprises a formalised public car park of several hundred car parking spaces that is at times intensively used. However, it is also the case that the development proposals will introduce new uses onto the site in addition to the provision of car parking and will therefore be on a greater scale than the existing use.'* As such the indicative criteria has been applied as if the site were not previously intensively developed. In this respect, the development proposals would provide more than 10,000sqm of commercial floorspace and therefore exceeds the indicative thresholds. In this respect, it is noted that the NPPG states *'... it should not be presumed that developments above the indicative thresholds should always be subject to assessment'*
- 6 10 The Regulations and National Planning Policy Guidance advise that when screening Schedule 2 projects, a local planning authority must take account of the selection criteria in Schedule 3 of the Regulations. Not all of those criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way which the Council has considered and applied as appropriate in this case. When the local planning authority issues its opinion they must state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3. Where it is determined that the proposed development is not an Environmental Impact Assessment development, the authority must state any features of the proposed development and measures envisaged to avoid, or

prevent what might otherwise have been, significant adverse effects on the environment. Local planning authorities need to consider carefully how such measures are secured. This will usually be through planning conditions or planning obligations, enforceable by the local planning authority which has powers to take direct action to ensure compliance.

- 6.11 The selection criteria for screening Schedule 2 development identified in Schedule 3 of the Regulations are set out below. There are three sub categories: characteristics of the development, location of the development, and characteristics of the impact of the development.

6.12 Schedule 3 Part 1 Characteristics of Development

- 6.13 The characteristics of development must be considered with particular regard to -

- (a) the size and design of the whole development,
- (b) the cumulation with other existing 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 from water contamination or air pollution)

6.14 Schedule 3 Part 2 Location of Development

- 6.15 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, paying particular attention to the following areas-
 - (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 areas 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 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

6.16 Schedule 3 Part 3 Types and Characteristics of Potential Impact

6 17 The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), 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, and
- (i) the possibility of effectively reducing the impact

6 18 The proposal is considered and evaluated against these criteria, as far as they are relevant, below For the avoidance of any doubt this report does not consider the planning merits of the proposed development It deals solely with determining whether there is a need for an Environmental Statement to be submitted with an application for planning permission to carry out development of the nature set out in the information submitted An Environmental Statement will need to accompany an application where a development is likely to give rise to likely significant effects on the environment in the sense intended by the Regulations. Significant effects may be positive, neutral or adverse but they are likely effects on the *environment*

6.19 Assessment of the development against the criteria within Schedule 3 of the Regulations

6 20 The development described in the information submitted comprises the demolition of existing buildings and the erection of three separate primary buildings a stand-alone 6 storey hotel, a main leisure building of between 3 – 6 storeys housing a multi-screen cinema, multi-level car park, other D2 uses and food and drink uses, and a smaller detached leisure/restaurant unit of 2 storeys and surface car parking Despite the suggestion from RPS that the development includes the demolition of the former Rossi ice cream factory, this has already occurred and is not regarded as part of the development for the purposes of this EIA screening but even if it were, it is not considered likely to lead to any different conclusion

6 21 No part of the site falls within a “sensitive area” as defined within Regulation 2(1) of the Regulations

6 22 Overall, the site comprises 3.6 hectares of previously developed land in an area containing a mix of uses and a predominantly urban character The existing site currently has a total of 661 surface parking spaces on site The nature and scale of the proposal is a larger-scale major development for planning purposes but in the context of the site’s overall size, its geographic position in relation to both the seafront area and Southend Town Centre, plus the disposition and scale of the indicated development within the site, including the provision of 555 parking

spaces, the overall impact of the proposal is considered to be no more than local in extent. The proposed development does not have a direct relationship or dependency on/with other major development sites in its vicinity including the Marine Plaza site to its south east.

- 6.23 RPS acknowledge similar leisure developments located on the edge of town centres may not have sensitive receptors and so EIA could be screened out. Thus, RPS appear to accept that merely the scale and size of development is insufficient to give rise to likely significant effects. It is the relative proximity of the site to what they describe as sensitive receptors that give rise, they opine, to the need for EIA.
- 6.24 This assessment for the need an EIA follows the structure presented in the applicant's request for a screening opinion statement and then considers any other outstanding issue.

The Characteristics of the Development

The size and design of the whole development

- 6.25 The site area measures some 3.6 hectares. The proposed development comprises the "Comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block, the erection of 3 new buildings comprising a mixed-use leisure building with a cinema (3,590sq m of Use Class D2 floorspace), 3,256sq m of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sq m of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,615sq m of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park, an 2,961sq m 80 bedroom hotel (Use Class C1) with cafe, and, a 580 sq m building (Use Class A3, A5 or D2). Proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity sub-station."
- 6.26 A fairly detailed set of plans have been submitted with this screening opinion request. The development comprises 3 individual buildings of 2 to 6 storeys in scale comprising the main leisure building which includes a multi-level car park, a smaller stand-alone leisure/restaurant building and a purpose built hotel. The main vehicle access to and from the development would be via a new fourth arm on the Queensway roundabout. There is proposed to be a secondary vehicle exit out onto Lucy Road from the on-site car parking as well as pedestrian and cycle access into the site from the south. There is currently a shared-use path on the northern frontage of the site which is proposed to be extended to the north-west area of the site. The development has a contemporary design with a concept of a bold sculptural form.
- 6.27 The conclusions reached in the information submitted with the screening request states 'Whilst the development proposals are classified as a large-scale major development for planning purposes its physical size is reasonably limited.'

6 28 The characteristics of the development in terms of the size and design of the whole development, having considered the detailed plans and supporting documents submitted, the brownfield nature and, the Town Centre location of the site and the existing built form in the surrounding area, are such that whilst the development would be classified as a large-scale major development in planning terms, the size and design of the development is not considered likely to have any likely significant environmental effect in this regard in the sense intended by the Regulations. It is also noted that RPS acknowledge similar leisure developments located on the edge of town centres may not have sensitive receptors and so EIA could be screened out. As such RPS appear to accept that the scale and size of development itself is insufficient to give rise to likely significant effects. It is also noted that the site is allocated in the SCAAP as an opportunity site for a mixed use development to include the provision of leisure, cultural and tourism attractions, which may include restaurants, cinema, gallery, hotel, public and private spaces and vehicle and cycle parking with the potential for residential development in addition. Such an allocation would inevitably envisage a fairly large scale development on the site.

Cumulation with other existing development and/or approved development

6 29 The site is allocated as an opportunity site within the Southend Central Area Action Plan (SCAAP) that was adopted in 2018. Under Policy CS1 of the SCAAP, Opportunity site (CS1 2) Seaways is identified for a high quality, mixed use development including the provision of leisure, cultural and tourism attractions which may include restaurants, cinema, gallery, hotel, public and private open spaces, and vehicle and cycle parking.

6 30 Policy CS1 of the SCAAP identified a number of other opportunity sites within the central seafront policy area of the SCAAP which can be summarised as

- Opportunity site (CS1 1) Southend Pier which seeks sensitive redevelopment at both ends of the pier to provide a mix of cultural and leisure uses
- Opportunity site (CS1 3) Marine Plaza which seeks the comprehensive redevelopment of the site for high quality/iconic residential development with complimentary leisure and supporting uses
- Opportunity site (CS1 4) New Southend Museum, whereby the Council will promote the development of an exemplary, sustainable building that includes the new Southend Museum, gallery space, planetarium, conference/events spaces and associated café/restaurant

6 31 In terms of opportunity site CS1 1 above, Southend Pier is existing, and in use and therefore part of the existing baseline. The Pier is a Grade II Listed Building with an extensive planning history. As outlined above, whilst CS1.1 seeks the sensitive redevelopment at both ends of the Pier there are no extant permissions for this and no current applications in this respect.

6 32 In terms of opportunity site CS1 3, the Marine Plaza site was granted planning permission under reference 14/01462/FULM for the demolition of the existing building and erection of 282 self-contained flats in six blocks (comprising one 14 storey block, one 9 storey block, one 5/6 storey block, one 4/6 storey block, two

2/4 storey block), erection of 2,717sqm of commercial floorspace (A1, A3 and D2 uses), layout 318 underground parking spaces, landscaping, cycle/motorcycle/refuse storage and formation of vehicular access from Southchurch Avenue and Pleasant Road. The previous buildings on this site have now been demolished and a certificate of lawfulness for a proposed use or development is pending under reference 19/01685/CLE which seeks to determine whether the development permitted has been lawfully commenced within the requisite time period. The planning application under reference 14/01462/FULM was considered to constitute an Environmental Impact Assessment development under the now superseded 2011 Environmental Impact Assessment Regulations. An Environmental Statement was submitted with this application. The application was approved subject to a S106 Legal Agreement and subject to a number of planning conditions. The information submitted within the applicant's request for a screening opinion statement submitted states *'The two sites in question are discrete parcels of land and are separate from one another both spatially and physically. In particular vehicle access to the Marine Plaza site is divorced from the Seaway site and relate to materially different sections of the highway network. The delivery of one site does not rely upon the other. Similarly the residentially led nature of the Marine Plaza development will not exacerbate any of the potential environmental impacts of the development proposals at the Seaway site.'*

6 33 Opportunity site CS1 4 relates to a new Southend Museum. Planning permission was granted under reference 12/00317/BC3M to remove the existing bandstand shelters and street furniture, stabilise cliff slip area, install a retaining wall to the top of the slope and a retaining wall to foot of the slope and layout footpaths (Phase 1) and form a building within the cliff slope over seven levels, incorporating a museum, planetarium, restaurant, cafe, shop and underground parking with associated access, highways works and landscaping (Phase 2). The approved building was not constructed. There have been no subsequent applications for this site and so no cumulative issue arises.

6 34 The local planning authority consider that the proposal is materially separated both physically and spatially from the these opportunity sites and other existing and extant schemes within the wider surrounding area and which benefit from express planning permission and is of a different nature and character to the mainly C3 use of the Marine Plaza site. The Habitats Regulations Assessment Screening Report submitted with this screening request includes consideration of cumulative sites at appendix 1. It is apparent from this document that the most potentially relevant site is the Marine Plaza development located to the south-east of the site. In terms of the Marine Plaza development, the Council has considered the information and concur that the two sites are discrete parcels of land that are separated from one another both spatially and physically and the two sites have separate vehicular accesses. Both sites constitute stand-alone developments although the cumulative impact of both needs to be considered. Because Marine Plaza is a largely C3 use with wholly separate access arrangements it does not add to the significance of any effects that the proposal will have. As set out in the LVIA, it is apparent that there are some viewpoints whereby both schemes would be visible, for example from views east of Marine Esplanade and the Seaford, views east from Southend Pier and the Thames Estuary, views west from Eastern Esplanade, Southchurch Beach and points

further east and from some taller buildings to the north. As such there are some viewpoints where both developments will be visible. However, these are assessed in the LVIA submitted and given the urban character of the existing area and the nature of these views, the local planning authority consider the cumulation of the impact of the development when combined with the Marine Plaza development is unlikely to have significant environmental effects in this respect.

- 6 35 The HRA cumulative sites appendix considers a number of other opportunity sites outlined in the SCAAP in addition to the Marine Plaza site and those outlined above. It includes the Better Queensway Project (opportunity site PA4 1), but notes that this site has no consent. The local planning authority notes that no planning application has been submitted for Queensway to date. As set out in the SCAAP, The Queensway Policy Area is dominated by a swathe of 1960s residential tower blocks, this existing situation is part of the existing baseline. The HRA considers the opportunity site at Tylers Avenue (PA7 1). However, the LPA note that no planning application has been submitted for this opportunity site. It considered opportunity site CS 14 the new Southend Museum proposals. The information submitted indicates that the consent for this development has lapsed. The LPA recognise that no new application has been submitted for the redevelopment of this site to date (as outlined above).
- 6 36 The HRA also considers a number of sites which have planning permission including the Former College Building, Carnarvon Road (15/00803/BC4M). Phase 1 of this development has been completed which comprises the provision of 56 flats. Phase 2 is yet to be commenced which comprises 102 flats. This site is a significant distance from the Seaways site, located over approximately 1km to the north of the Seaways site and even if considered cumulatively with the proposed development is unlikely to result in any likely significant effects on the environment.
- 6 37 The HRA appendix considers Prittle Brook Industrial Estate (reference 14/00943/FULM) which includes 231 dwellings and a hospice facility. The housing has been substantially built. Since the determination of this application, a new application for the Hospice has been approved under reference 18/00952/FULM. This development is underway. A subsequent application has also been approved on this part of this wider site for a new supermarket under reference 18/001963/FULM. This site is located approximately 2.5km to the north of the Seaways site and even if considered cumulatively with the proposed development is unlikely to result in any likely significant effects on the environment.
- 6 38 10 Fairfax Drive (reference 17/01115/FULM) for 92 self-contained flats. A subsequent permission was granted under reference for 18/00810/FULM for an amended scheme of 92 flats. This site is located approximately 1.9km to the north of the Seaway site. This development is currently being undertaken and even if considered cumulatively with the proposed development is unlikely to result in any likely significant effects on the environment.
- 6 39 The Esplanade for 49 flats and ground floor restaurants (17/02266/FULM) which is located some 450m to the west of the site on the Seafrost and even if

considered cumulatively with the proposed development is unlikely to result in any likely significant effects on the environment

6 40 The other cumulative site considered include

- Crown Secretarial College Sutton Road (16/01503/FULM) for 44 flats and commercial floor space This site is located approximately 1.5km to the north of the Seaways site
- 1307 London Road (16/01780/FULM) for 16 flats This site is located approximately 4.5km to the north-west of the Seaways site
- Rileys, Leigh Road (16/02045/FULM) for 22 flats, located approximately 4km to the west of the Seaways site and more recently 18/00484/FULM for 21 flats at this site
- 177 London Road (16/02281/FULM) for 16 apartments and 2 commercial units located approximately 1.2km to the north-west of the Seaways site
- Evolution Gym, London Road (17/00563/OUTM) for 30 flats and 1 commercial unit located approximately 3.5km to the north-west of the Seaways site Reserved matters have since been approved for this development under reference 17/02183/RESM
- Garages, Rochford Road (17/00680/BC3M) for 12x flats and 3x dwellings located approximately 3.5km to the north of the Seaways site
- Chalkwell Lodge, Grosvenor Road (17/01017/FULM) for 16 flats located some 2km to the west of the Seaways site
- Grand Hotel (17/01464/FULM) for a mixed use with bar, health club, restaurant and 18 flats This site is located approximately 4km to the west of the Seaways site
- 69-71 High Street (17/01663/FULM) for a change of use to 10 flats and retail use This site is approximately 300m to the north-west of the Seaways site
- Shoebury House, Ness Road (18/01141/OUTM) for 10x dwellings No reserved matters application has subsequently been submitted. This site is located approximately 4km to the east of the Seaways site
- Harcourt House and Northfield House Baxter Avenue prior approval (18/01506/PA3COU) for 74 flats More recently planning permission has been granted for an additional 9 flats on this site (reference 19/00723/FUL) This site is located approximately 1.3km to the north of the Seaways site
- Car park at 27 Victoria Avenue (18/02151/FULM) for 217 flats and commercial units – planning permission has now been granted and development has started This site is located approximately 1km to the north of the Seaways site
- 25 Roots Hall Avenue (19/00552/FULM) for 12 flats This permission was granted This site is approximately 1.8km to the north of the Seaway site
- 277 Prince Avenue (19/00086/FULM) for 12 flats and 8 dwellinghouses This application was refused
- Crowstone Prep School (19/00534/FULM) for 18 flats This application was refused
- Rear of 95 Prince Avenue (19/00565/FUJLM) for 11 flats This application was refused A subsequent application of 8 flats under reference 19/01376/FUL was also refused
- Arlington Rooms 905 London Road (19/00759/OUTM) for 10 flats This

application was withdrawn

- Fossetts Farm (17/00733/FULM) for a football stadium, residential units, hotels and retail and leisure units This application is pending determination
- Roots Hall Stadium (18/01645/RSO) This is an application for an EIA scoping opinion
- 10 Clieveden Road (16/01757/FUL) for a 7 room hotel This site is located approximately 1.9km to the east of the Seaway site
- 9 Elmer Approach (18/00341/OUTM) for 108 hotel room Additional applications for this site include 19/00666/PA3COU for 17 flats and a number of prior approval applications, the most recent being for a change of use of offices to 119 flats (18/01873/PA3COU) This site is located approximately 450m to the north of the Seaways site
- The Ship hotel (19/00757/FUL) for a 14 bed hotel This permission was granted There is an application pending under reference 19/01540/FUL to extend and convert the building into a 15 bed hotel This site is located approximately 4.5km to the west of the Seaways site

6 41 The cumulative assessment submitted then considers a number of allocations and applications within Rochford District Council.

6 42 A number of these permissions above are of a relatively small scale and the majority of these permissions are significantly removed from the application site, with intervening built form Some of these applications are still pending determination Given the size, scale, locations and approximate distances of these consented schemes, as outlined and summarised above, and the location of the site with intervening built form, it is considered that the cumulation of the Seaways development with other existing and/or approved development within the immediate and wider surrounding area is unlikely to result in any significant environmental impacts.

6 43 The existing site is, in the main, used as a surface car park The site is located within the Town Centre and is located to the east of the Town Centre Primary Shopping Area as defined in the Development Management Document's Proposals Map, and is within the Southend Central Area The SCAAP's vision is for the Southend Central Area to be a prosperous and thriving regional centre and resort The Southend Central Area is a fairly large area including the Town Centre and Seafront, extending north, including Victoria Avenue and Sutton Road, west to include Western Esplanade and east to include Eastern Esplanade The Town Centre and Southend Central Area include dense areas of development and tall buildings. Generally the surrounding area is mixed with residential, commercial and leisure uses in the vicinity. Given the town centre location of the site, whereby a large number of people are already attracted to the area for amongst other uses, leisure purposes and given the relatively limited size and scale of the proposal in this context, it is considered that the development is unlikely to result in any significant environmental impacts alone or in cumulation with any other existing development in the area, in the sense intended by the Regulations

6 44 The information submitted with the screening report states '*in any event, any cumulative impacts from other development are likely to be confined to*

transportation (highway capacity and air quality), landscape and visual impact, and ecology/recreation effects on designated sites only. It is not considered there are any committed developments in the vicinity of the site that would lead to noise, heritage or other cumulative impacts that could be regarded as significant.'

6 45 Given the above considerations and taking account of the findings, conclusions and recommendations contained within the suite of technical supporting information and reports submitted with this screening request and as outlined in other sections of this report, it is considered that the development is unlikely to result in significant environmental impacts in combination with other existing and approved development in the area in the sense intended by the Regulations

6 46 That said, it is considered that the application and supporting documents submitted should take into consideration the Marine Plaza scheme in landscape and visual terms.

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

6 47 The information submitted with this screening request states '*The development as a whole will deliver a sustainable form of development that minimises the use of natural resources during its construction and operational phases. The site is previously development land and therefore is not agricultural land suitable for food production. Equally the site does not fall within a mineral safeguarding area. The development proposals will not consume any resource of biodiversity value in any significant way. Similarly, once operational the development proposals will not consume substantial or unusual amounts of water.*'

6 48 Given the characteristics of the development, including that the proposal seeks to utilise previously developed land within a town centre, urban area which is used, mainly as a surface level car park currently and does not result in the loss of agricultural land, or the best and most versatile agricultural land and soil, and will not consume substantial or unusual amounts of water or result in the loss of any significant resource of biodiversity value in itself, it is considered that the development is unlikely to have a significant impact on the environment in the sense intended by the Regulations in this respect

6 49 Given the information provided and the nature and location of the existing site and the nature and scale of the proposed development, the local planning authority considers that the development would not have a likely significant impact in terms of use of natural resources

The production of waste

6 50 The information submitted in this respect states '*waste will be collected in appropriate locations, and recycling will be encouraged through the provision of recycling facilities in accordance with the Council's current and standard procedures. The proposed uses will not generate unusually high volumes of hazardous types of waste and therefore this is unlikely to be regarded as significant.'*

- 6 51 Given the information provided and the type, nature and scale of the proposed development, and subject to the imposition of planning conditions requiring the submission of a waste and recycling management strategy and construction management plan, the local planning authority considers that the development is unlikely to have a significant impact in terms of the production of waste, in the sense intended by the Regulations

Pollution and nuisances

- 6 52 In terms of pollution from traffic, the information submitted states *'Traffic will be generated by the proposed uses. The traffic generation of the proposed development will not however cause significant levels of pollution or nuisance'* In this respect, the application has been submitted with a Transport Assessment and Transport Assessment Addendum and Air Quality Assessment and Addendum
- 6 53 The information submitted states *'The proposed development, once fully operational, is predicted to result in increases in two-way Annual Average Daily link flows of 0.25% - 4% of the local highway network. Therefore the predicted increase in vehicle trip generation to/from the site does not trigger the need for a detailed environmental impact assessment according to the IEMA Guidelines. It is considered that the environmental traffic impact of the proposed development will be minor/negligible.'*
- 6 54 Whilst the development could result in an increase in traffic drawn through the Air Quality Management Area (AQMA) at the Bell Junction, it is noted that the information submitted states *'The air quality assessment found that the increases in annual mean concentrations at these receptors would be very small – between 0.1 and 0.2 micrograms per cubic meter. Such impacts are classed as 'negligible'.* As such, subject to the imposition of standard planning conditions e.g. requiring dust mitigation the local planning authority consider that the development is unlikely to have a significant impact on the AQMA in terms of pollution and nuisances and is therefore unlikely to have a significant effect on the environment
- 6 55 The information submitted with the screening request summarises that 5 residential receptor properties located within the Air Quality Management Area (AQMA) were considered. The AQMA is located at the Bell Junction, approximately 2.5km to the north west of the site. These properties were chosen because they are the nearest roads within the AQMA that would experience changes in traffic with the development. The information submitted states *'The air quality assessment found that the increases in annual mean concentrations at these receptors would be very small – between 0.1 and 0.2 micrograms per cubic metre. Such impacts are classified as 'negligible'.* It is also stated that mitigation is proposed to cover the construction (e.g. dust mitigation) and operational phases (e.g. travel plan and sustainable transport measures and incentives)
- 6 56 Given these conclusions, given the town centre location of the site with good access to public transport and given the nature and scale of the proposed development, subject to the subsequent imposition of planning conditions

requiring specified mitigation measures such as a construction management plan, to include dust mitigation measures, the local planning authority considers that the development would be unlikely to have any significant impact in terms of pollution and nuisance as a result of air quality issues

- 6.57 The information submitted also indicates that it is proposed to include improvements to the site access and parking arrangements, with mitigation including variable message signs, wayfinding signage and a travel plan. Further mitigation is proposed for the temporary impacts during the construction period which includes a displaced parking strategy and/or construction management plan. In this respect the information submitted concludes *'Through the implementation of a Displaced Car Parking Strategy it is considered that the displaced car parking can be managed during the construction period and therefore the highway impacts are unlikely to be significant for the vast majority of the time (weekdays). During peak seasonal periods the displaced demand is more substantial but again can be accommodated in a range of existing seafront and town centre car parks'*
- 6.58 RPS raise concerns relating to excessive parking demand that cannot be accommodated at Seaways, displaced vehicle movements and the subsequent environmental effects in this respect. The local planning authority recognises that the construction phase of the development will generate construction traffic and would displace existing visitor parking. It is anticipated that displaced visitor parking will be mainly accommodated within the Gas Works car park which has been granted temporary planning permission to be used for parking under reference 18/00834/BC3M. It is considered that this displacement and additional construction traffic would be for a limited, temporary time frame of some 12-18 months and could be mitigated with, amongst other matters, a construction management plan and displaced parking strategy which could be secured via planning conditions and/or S106 legal agreements as necessary. Taking into account such mitigation, whilst RPS concerns have been taken into account, it is considered that the development is unlikely to have a significant environmental effect due to pollution and nuisance as a result of transport, access and parking, in the sense intended by the Regulations.
- 6.59 The proposal seeks to alter the access into the site with a new arm to the Queensway roundabout proposed. This screening opinion request has been submitted with a Transport Assessment and a Transport Assessment Addendum. In terms of parking, the Transport Assessment's conclusions include *'the proposed car parking provision will meet the typical demand generated by the development along with the typical demand currently generated as an existing town centre/ seafront car park. During peak holiday periods, corresponding to about 40 days a year and only for up to 6 hours on these days, some of the combined parking demand for the existing car park and the proposed development would need to be met by other town centre car parks, but these have adequate capacity to accommodate this demand. The development proposes a package of measures to mitigate the impact on car parking'*. The Transport Assessment considers the sustainable location of the site and its alternative sustainable transport options available. The Transport Assessment considers trip generation and modal split using TRICS database and other information. A junction capacity assessment has been undertaken and a Travel

Plan would be utilised. The Transport modelling undertaken show that on an overall junction and network level the development is predicted to have little impact on the operation of the modelled network. The development access from Hartington Road does result in a worsening of the operation at the junction with Marine Parade, the modelling shows that a maximum of an 18 second delay for the left turn from Hartington Road is predicted for the Friday PM peak and a maximum of a 5 second delay for the Marine Parade eastbound link with Southchurch Avenue. However, the modelling concludes that there is predicted to be no significant capacity problems as a result of the proposed development for the Friday and Saturday peaks. Given these findings, the local planning authority consider that the development proposed is unlikely to have any significant environmental effects in this regard.

- 6 60 In terms of traffic impacts, the information submitted includes transport modelling which concludes that there is predicted to be no significant residual capacity as a result of the development for the Friday and Saturday peaks. The information submitted with the screening request states *'The proposed development, once fully operational, is predicted to result in increases in two-way Annual Average Daily link flows of 0.25% - 4% of the local highway network. Therefore, the predicted increase in vehicle trip generation to/from the site does not trigger the need for a detailed environmental impact assessment'*. Whilst RPS concerns are noted and have been considered, given the information provided and subject to the submission of a Transport Assessment, including VISSM modelling with any planning application and subject to planning conditions and/or S106 legal agreements, the local planning authority consider that the development proposals would not be likely to have a significant environmental effect based upon the predicted increases in traffic.
- 6 61 The local planning authority consider that the site is located in a sustainable location within walking distance of the seafront, town centre, travel centre for buses, the Chancellor Road bus stop and rail stations. Conditions can be imposed to encourage sustainable transport choices such as the provision of real time information screens and imposition of a travel plan. Subject to the imposition of planning conditions and a S106 legal agreement, the local planning authority consider that the development proposals would not have a likely significant environmental impact in the terms of pollution and nuisance as a result of transport, traffic, parking and access in the sense intended by the Regulations.
- 6 62 In terms of contamination a Phase 1 Geotechnical and geo-environmental desk study has been submitted. The information submitted within the screening opinion statement submitted states *'the risk of contamination at the site is extremely low'* and this can be managed by the imposition of standard conditions so that there is no reason to conclude any significant environmental effects are likely. Whilst RPS comments in respect of ground conditions are noted, a condition can secure an appropriate response to this potential low risk.
- 6 63 In terms of drainage, the information submitted with the screening request states *'the site lies within flood zone 1 and is not at significant risk of flooding. The surface water drainage strategy demonstrates that it will be possible to develop the site without increasing the risk of flooding elsewhere. The proposed surface*

water drainage strategy seeks to utilise appropriate Sustainable Drainage Systems (SuDS) to provide betterment the eventual detailed surface water drainage network for the proposed development will be designed to limit the surface water discharge rate This will assist in reducing the risk of surface water flooding both on and off site By incorporating SuDS measures the development proposals should make a significant impact on improving the surface water discharge quality in addition to controlling the off-site discharge rate. This strategy which may be secured through planning condition, represents a standard form of mitigation that shall ensure there shall be no likely significant environmental impacts arising from surface water discharge'

- 6 64 Given the location of the site in flood zone 1 and the information submitted and the conclusions of the technical reports provided, the local planning authority considers that the development would not result in a likely significant risk of major accidents or disasters, including those caused by climate change, in terms of flood risk and surface water flooding The comments received from the Council's SuDS engineers, as summarised above are also noted The imposition of planning conditions is considered sufficient to ensure no likely significant environmental effects in this respect
- 6 65 In terms of foul sewers, the information submitted confirms that the site is served by public sewers and that *'An Anglian Water predevelopment report confirmed that the receiving sewer had sufficient capacity to accommodate the anticipated flows . There is no increased risk of unacceptable foul or surface water run-off or pollutants from the site entering the Estuary '*
- 6 66 Given the findings and conclusions of the information and technical reports provided, given the comments received from the Council's SuDS engineers, given the nature and scale of the proposed development, and subject to the imposition of planning conditions, the local planning authority considers that the development is unlikely to have a significant impact in terms of pollution and nuisance as a result of flooding or drainage The imposition of planning conditions would ensure that the development would be unlikely to result in any significant environmental effects in this respect
- 6 67 In terms of light pollution and nuisance the information submitted states *' the site would not require unusually high luminance levels of lighting relative to the town centre context. A condition to agree a detailed lighting scheme including management of lighting use is anticipated '*
- 6 68 It is noted that the site is in a town centre location and the site is already lit and is likely to experience greater levels of light pollution than in other areas Given this and given the existing nature of the lighting within and surrounding the site, including significant lighting to the leisure facilities on the seafront at Marine Parade, the local planning authority considers that the development would be unlikely to have a significant impact in terms of pollution and nuisance as a result of lighting Indeed there is the opportunity to secure new, more efficient and more specific directional lighting, which can be secured by the imposition of standard planning conditions so there is no reason to conclude any significant environmental effects are likely in this respect Residential amenity can be further protected by ensuring lights are switched off/dimmed outside operational

hours again secure by condition if necessary

- 6 69 In terms of noise, the information submitted states, having consideration to the findings of the submitted noise impact assessment that *'The operational phase of the development proposals are not expected to give rise to significant acoustic impacts. During the construction phase of the development noise levels will potentially be greater but will be mitigated through control of working hours. the standard mitigation measures will be secured through planning conditions'*
- 6 70 Given the findings and conclusions of the information and technical reports provided and given the location of the site within the Town Centre, where ambient noise levels tend to be higher, given the existing late night premises, including night-clubs in the vicinity, the 24/7 operation of the existing surface car park, and the busy nature of the Queensway roundabout and a number of the surrounding roads, subject to the use of planning conditions governing the hours of operation and the levels of noise emitted from the development and delivery details and locations the local planning authority considers that the development would not be likely to have a significant effect on the environment in terms of noise pollution and nuisance
- The risk of major accidents and/or disasters relevant to the development concerned including those caused by climate change, in accordance with scientific knowledge*
- 6 71 The information submitted in this respect states *'No unusual or complex substances or technologies are to be used within this development and the risk of accidents is therefore considered to be negligible'*
- 6 72 Given that the proposal is for leisure facilities, a hotel and multi-level car park, and given the location of the development, within the town centre, the local planning authority considers that the development is unlikely to result in a significant impact in terms of risk of accidents or disasters
- The risks to human health (for example due to noise, water contamination or air pollution)*
- 6 73 The information submitted states *'Potential for significant water contamination is very low and will be addressed by the surface water drainage strategy. Trapped highway gullies will be incorporated into the surface water drainage system to help mitigate against diffuse pollution arising from the site. The requirement for petrol interceptors will be considered depending upon the feasibility of using permeable paving.'*
- 6 74 Given the information submitted and the conclusions of the technical reports provided, including the Flood Risk Assessment, Surface Water Drainage and Foul Water Drainage Strategy, and subject to the use of planning conditions, the local planning authority considers that the development would not result in likely significant risks to human health, including to users of the development (e.g. staff and visitors) and receptors (e.g. residents and other businesses) in terms of water contamination in the sense intended by the Regulations.

- 6 75 In terms of air pollution, the information submitted with the screening request states *'The potential risk in terms of air pollution is minimal and mitigation measures during both the construction and operational state of the development are proposed in order to reduce the risk further Mitigation measures include a construction dust management plans '*
- 6 76 Given the location and nature of the development and given the conclusions of the technical reports provided which have been summarised previously in this report, and subject to the use of planning conditions governing both construction and the lifetime of the development , the local planning authority considers that the development would not result in likely significant risks to human health, including to users of the development (e g staff and visitors) and receptors (e g residents and other businesses) in terms of air pollution The imposition of planning conditions are considered to be sufficient to ensure no significant environmental effects are likely in this respect
- 6 77 In terms of noise, the information submitted elsewhere within the submission states, having consideration to the findings of the submitted noise impact assessment that *'The operational phase of the development proposals are not expected to give rise to significant acoustic impacts During the construction phase of the development noise levels will potentially be greater but will be mitigated through control of working hours. .the standard mitigation measures will be secured through planning conditions '*
- 6 78 Given the findings and conclusions of the information and technical reports provided and given the location of the site within the Town Centre, its existing use and the nature of other leisure and commercial uses in the wider surrounding area and subject to the use of planning conditions governing the hours of operation and the levels of light and noise emitted from the development, the local planning authority considers that the development would not result in likely significant risks to human health, including to users of the development (e g staff and visitors) and receptors (e g residents and other businesses) in terms of noise in the sense intended by the Regulations The imposition of planning conditions are considered to be sufficient to ensure no significant environmental effects are likely in this respect
- 6.79 In terms of contamination a Phase 1 Geotechnical and geo-environmental desk study has been submitted The information submitted elsewhere within the screening opinion statement submitted states *'the risk of contamination at the site is extremely low'* and this can be managed by the imposition of standard conditions so that there is no reason to conclude any significant environmental effects are likely Whilst RPS comments in respect of ground conditions are noted, a condition can secure an appropriate response to this potential low risk.

Location of Development

The existing and approved land use

- 6 80 The majority of the site is currently used as a surface car park The site also includes roads, the Seaways roundabout, 1, 3 and 29 Herbert Grove and a toilet block Some small sections of the site, to the north of the car park are allocated

as protected green space within the Proposal's Map attached to the Development Management Document. A small part of the site within the south-western corner is located within the Clifftown Conservation Area. The site is located within the Southend Central Area Action Plan (SCAAP) boundary. Within the SCAAP the site is mainly located within the Central Seafront SCAAP Policy Area. Within Policy CS1 'Central Sea Front Policy Area Development Principles' the majority of the site is identified as an opportunity site, reference CS1.2 Seaways. For this Opportunity Site the Policy states '*the Council will pursue with private sector partners, landowners and developers a high quality, mixed use development including the provision of leisure, cultural and tourism attractions, which may include restaurants, cinema, gallery, hotel, public and private open spaces and vehicle and cycle parking. The potential for residential development may also be explored.*' The policy then goes on to outline a number of design and layout solutions that should be allowed for. In planning terms, the site is brownfield or previously developed land.

- 6 81 Herbert Grove contains two storey properties which are a mix of guest house accommodation and dwelling houses. Immediately beyond Herbert Grove is the Church of St John the Baptist and the Royals Shopping Centre. At the southern end of Herbert Grove is a hoarded site that comprised a former ice cream factory building, which has now been demolished. To the south of the Royals Shopping Centre and behind this former factory is the Park Inn Hotel. Marine Parade lies to the south of the site where land uses along the seafront are predominantly leisure related. East of the site is Hartington Road and Hartington Place which are predominantly residential streets containing terrace houses.
- 6 82 To the west of the site are locally listed buildings, Palace Hotel and St John's Church. To the south of the site there are a number of Grade II Listed Buildings including 1-3 Marine Parade, 4 Marine Parade, Hope Hotel, Marine Parade and the Pier. To the east of the site there are further locally listed buildings including The Cornucopia, 39 Marine Parade and The Falcon Public House, Marine Parade and further east is the Kursaal Conservation Area and the Grade II Listed The Kursaal, Eastern Esplanade.
- 6 83 Given the existing use of the land, and the policy allocation spread across the majority of the site, the local planning authority considers that the existing and approved land uses at the site and within the wider surrounding area, enshrined in local plan policy and the location of the development are unlikely to result in any significant environmental effects. Planning conditions can be imposed to safeguard the amenity of residents who live in close proximity to the site, the town centre and the seafront.

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

- 6 84 In terms of minerals the information submitted with the applications states, that '*There are no significant issues regarding natural resources raised by this proposal. The site does not fall within a minerals safeguarding zone and the effect of the development on mineral resources will be negligible.*'

- 6 85 Given the location of the site, its existing use, with the site mainly used as a surface level car park, and constituting previously developed land, and given the information submitted, the local planning authority consider that the development is unlikely to result in significant environmental harm in terms of the relative abundance, availability, quality and regenerative capacity of natural resources in terms of minerals
- 6 86 In terms of biodiversity, the screening request has been submitted with supporting technical reports. The information submitted states *'The site is not designated as a Site of Special Scientific Interest (SSSI) or as a Local Nature Reserve (LNR), Site of Importance for Nature Conservation (SINC) or County Wildlife Site (CWS). There is one internationally important site reported within the 2km of the site this is the Benfleet & Southend Marshes which have been designated a Ramsar site, a Special Protection Area and a SSSI. There is also one LNR reported within 2km of the site, this is the Southend-on-Sea Foreshore LNR. The development proposals will not materially affect these designated sites either in isolation or cumulatively. The site is judged to be of negligible biodiversity value with no material value to important or protected species. The only exception to this is the minor amount of bird nesting habitat found in vegetation of the embankment to the rear gardens of Hartington Road. It has been concluded that important species or habitats do not materially constrain the redevelopment of the site. The redevelopment proposals demonstrate no net loss of biodiversity through a proposed mitigation measure to ensure nesting birds are not disturbed whilst nesting. A minor biodiversity net gain will be achieved with a number of biodiversity enhancement measures secured through planning condition. It is clear that the impact on natural resources (including ecology) is unlikely to be significant.'*
- 6 87 Natural England has confirmed that the site is located in close proximity to Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), Benfleet and Southend Marshes Special Protect Area (SPA), Outer Thames Estuary Special Protection Area (SPA) and the Benfleet and Southend Marshes Ramsar Site. Natural England confirms *'Based on the material provided, it is our view that the proposed development is not likely to significantly affect the interest features for which they are notified.'*
- 6 88 Given the information submitted, the location of the development, existing and surrounding developments, the nature of the existing site, the findings, conclusions and recommendations of the technical reports provided, and given the comments received from Natural England (noting that whilst consulted no representations have been received from any local nature body including Essex Wildlife Trust, Essex Badger Protection Group and the RSB), and subject to the use of planning conditions, the local planning authority considers that the development would be unlikely to result in a significant environmental effects in terms of the relative abundance, availability, quality and regenerative capacity of natural resources in terms of biodiversity
- 6 89 In terms of trees, arboricultural reports and information have been submitted. The information submitted states *' a total of forty one individual trees, two groups of trees and one area of trees have been identified. Of these 8 trees are identified as being category B, 21 are categorised as category C and the*

remaining 12 are identified as category U. There are no category A trees present on site. There are two trees on site that are afforded protection by way of Tree Preservation Order (TPO). The development proposals necessitate the removal of a number of trees from the site including the two TPO trees. However, loss of trees has been minimised. A total of 22 trees are proposed for removal of which 18 are of the lowest category or are in unsafe condition. This is not considered to be a significant loss of valued trees. Standard mitigation may be secured through condition to ensure the protection of retained trees. replacement tree planting at a ratio of circa 4 trees for every one lost can be achieved within the development site.'

- 6 90 Two London Plane Trees within the site have been permanently protected with a TPO under reference 1/2019. Since then, a further TPO has been put in place (6/2019) (protected for an initial 6 months pending formal confirmation of the TPO) for a further 20 trees. It is apparent, that the development would result in the loss of 9 of these 22 protected trees. RPS, in their representations note that the submission fails to recognise that there is an additional TPO on the site under reference 6/2019. In this respect, the local planning authority note that unlike TPO 1/2019, the subsequent TPO under reference 6/2019 is yet to be permanently confirmed.
- 6 91 Given the information submitted, the relatively limited loss of mainly lower quality trees and the mitigation proposed in terms of landscaping improvements and circa 4:1 tree planting as a result of the development, subject to the use of planning conditions, the local planning authority considers that the development is unlikely to result in a significant impact or effect in terms of the relative abundance, availability and regenerative capacity of natural resources in terms of arboriculture, trees and landscaping. The imposition of appropriate planning conditions is sufficient to ensure no likely significant environmental effects in this respect.
- 6 92 This part of Schedule 3 highlights that the relevant abundance, availability and quality and regenerative capacity of natural resources including soil, land and water should also be considered. The submission information within this part of the screening opinion statement provided is silent on these matters within this section. However, they have been considered elsewhere within the screening opinion statement and within this report.
- 6 93 In terms of soil, as previously stated, the site constitutes previously developed land and is not agricultural land suitable for the production of food. It is not the best and most versatile agricultural land. Given the location and nature of the site, the local planning authority considers that the development would be unlikely to result in a significant impact in terms of the relative abundance, availability and regenerative capacity of natural resources in terms of soil.
- 6 94 In terms of land, the development would result in the more efficient use of the previously developed site. Given this and given the town centre location of the site, its allocation within the SCAAP and given that it is located in an urban location, the local planning authority considers that the development would not result in a likely significant environmental effects in terms of the relative abundance, availability and regenerative capacity of natural resources in terms

of land

- 6 95 Water has already been considered within the submission document and elsewhere within this report, in which it is stated that the development will not consume substantial or unusual amounts of water when operational, Sustainable Urban Drainage Systems are proposed, it is concluded that there is sufficient capacity within the existing sewers to accommodate the needs of the development and it is concluded that the risk of water contamination is very low. Taking account of the information provided overall and the findings and conclusions of the supporting documents and technical reports submitted, the local planning authority consider, subject to the imposition of conditions that the development would not result in a likely significant impact in terms of the relative abundance, availability and regenerative capacity of natural resources in terms of water.

Absorption capacity of the natural environment, paying particular attention to sensitive locations and other locations such as landscapes and sites of historical, cultural or archaeological significance

- 6 96 It is noted, within the screening opinion statement submitted by the applicant, the above subheading omits some of the areas that are highlighted as needing particular attention. For clarity the wording is as follows:

c) the absorption capacity of the natural environment, paying particular attention to the

following areas—

(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 areas 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 Union legislation retained EU law 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

- 6 97 The information submitted with the screening request states, in terms of ecology, 'The site is not designated either statutorily as a Site of Special Scientific Interest (SSSI) or as a Local Nature Reserve (LNR), Site of Importance for Nature Conservation (SINC) or County Wildlife Site (CWS). There is one internationally important site reported within the 2km of the site, this is the Benfleet & Southend Marshes which have been designated a RAMSAR site, a Special Protection Area and a SSSI. There is also one LNR reported within 2km of the site, this is the Southend-on-Sea Foreshore LNR. The development proposals will not materially affect these designated sites.'

- 6 98 Natural England has confirmed that the site is located within, adjacent to or in close proximity to Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), Benfleet and Southend Marshes Special Protection Area (SPA),

Outer Thames Estuary Special Protection Area (SPA) and the Benfleet and Southend Marshes Ramsar Site. In fact the site is in close proximity to European protected sites. Importantly Natural England confirms *'Based on the material provided, it is our view that the proposed development is not likely to significantly affect the interest features for which they are notified'*

- 6 99 Within their representations received, RPS considers that there could be a significant environmental effect of the habitat of protected species given the absence of emergence surveys regarding roosts at the toilet block. In fact there have been some surveys of the toilet block. Moreover, the local planning authority consider, with the submission of appropriate protected species assessments and/or the imposition of conditions, given the limited size of the toilet block and its location surrounded by extensive areas of hardsurfacing and the surrounding areas of built form and the existing relatively high levels of lighting in the area that there is no reason to conclude that any significant environmental effects are likely in this respect.
- 6 100 Given the information submitted, the location of the development, with the site itself located outside the SSSI, SPA and Ramsar sites the nature of the existing site which is previously-developed, the findings, conclusions and recommendations of the technical reports provided, and given the comments received from Natural England, subject to the use of planning conditions, the local planning authority considers that the development would not result in any likely significant environmental effects in terms of the absorption capacity of the natural environment in these regards.
- 6 101 In terms of landscape impacts, the screening opinion request has been submitted with a Landscape and Visual Impact Assessment (LVIA). The information submitted in this respect states *'The landscape and visual assessment has concluded that the development, although providing large, new facilities near the centre of Southend, will have a relatively small zone of visual influence (ZVI) within the setting. Topographic variety and land cover are generally expected to limit the ZVI to a few hundred metres to the north, west and north-east, with the only exception being residents and workers in some scattered taller buildings to the north. To the south, the open estuarine environment including Southend Pier will allow the buildings to be partially visible from further away and to the east a view of the development is likely in good weather from as far as 4km away at Gunners Park, Shoeburyness. However, photomontage modelling has ascertained the building will generally not be seen above the existing urban skyline and it is likely to be difficult to discern in many light conditions beyond 2km (e.g. from the end of Southend Pier).'*
- 6 102 *Views from key locations within the Southend townscape, previously identified in the SCAAP (2018) have been carefully considered. The development is not expected to be visible from Pier Hill, Royal Terrace, Clifftown, Westcliff or the Western Esplanade or a number of other significant locations including the Kursaal, All Saints Church and the Porters Civic House. The development will only be partially visible from Southend Pier, Marine Esplanade and Eastern Esplanade.*
- 6 103 *At the local level, a limited number of residential neighbours on Herbert Grove,*

Chancellor Road, Hartington Road, Seaway and at Queensway Lodge are expected to experience a substantial level of visual effect including a blocked or greatly intruded upon outlook . Other identified visual receptors have been assessed as likely to experience moderate, slight or neutral levels of visual effect In the round therefore, it is not considered that the visual effects are substantial

- 6 104 *Several other planned developments have been considered to ascertain whether cumulative impacts might increase the level of effect on identified receptors The very large Marine Plaza development, to be located approximately 250m east of the Seaway site, is likely to greatly influence the character of the Southend Seafront However, it is not considered to increase the assessed level of landscape or visual effects on Seaways receptors*
- 6 105 *Whilst the LVIA identified a substantial level of visual effect to a limited number of private receptors, on the whole the visual impacts of the development upon the landscape/townscape of Southend are not expected to be significant '*
- 6 106 In their representations, RPS raised a number of concerns relating to the LVIA report, commenting that it includes errors and attempts to downplay effects RPS conclude that the development would give rise to significant environmental effects in terms of landscape, townscape and visual impacts. RPS considers that the substantial effects identified in the LVIA mean that the development would give rise to likely significant effects
- 6 107 The local planning authority has given consideration to the findings and conclusions of the LVIA submitted with this screening request, the comments and detailed report submitted by RPS as well as the nature, scale and location of the site and the wider surrounding area Overall, it is considered, given the town centre urban location of the site whereby residents already have views of busy roads and other built form and given the existing development in the area, whilst a substantial visual amenity impact to a small number of residents located in close proximity to the site (including Chancellor Road, particularly No's 24-30, 5-27 Herbert Grove, Hartington Road properties, particularly 47-53 Hartington Road, 1-4 Seaways and Queensway Lodge) has been identified, given the relatively limited number of receptors affected in a compact area, the design and mitigation which can be secured by planning conditions, including soft landscaping and public realm improvements and the fact that it is their residential amenity that will be impacted, the local planning authority consider that as a matter of planning judgement this harmful impact on residential amenity of very few residents is not necessarily to be equated to a likely significant harm to the environment In this instance, given the factors already identified it would not give rise to a likely significant effect on the landscape /townscape environment
- 6 108 In terms of archaeology, the screening opinion request has been submitted with an Archaeological Report It is stated that *'The assessment concludes that overall, it is unlikely that features of archaeological interest are located within the development area '*
- 6 109 The local planning authority considers that the development would not be likely to have a significant impact in terms of use of the absorption capacity of the

natural environment in respect of archaeology in the sense intended by the Regulations in terms of archaeology. A planning condition is judged sufficient to ensure no likely significant environmental effects in this regard.

- 6 110 In terms of heritage, the screening request has been submitted with a heritage statement. The information submitted states *'Quite clearly the development proposals will not give rise to substantial harm or loss to nearby heritage assets. The development proposals will result in a change to the setting of some of the identified heritage assets and the question therefore will be to what extent this change may be harmful. In the context of the town centre location and the prevailing scale and nature of development in this location, it is the case that the development proposals will not result in significant adverse impacts (if at all) to the setting of nearby heritage and non-designated assets or the way in which they are experienced.'*
- 6 111 In this respect, Historic England have stated *'From the information given, we consider that there appears to be a low likelihood of significant effects on the historic environment, and that EIA may not be required in relation to the historic environment.'*
- 6 112 RPS, in their representations received comment that the development has the potential to adversely affect a number of heritage assets. In this respect, RPS refer to the heritage statement submitted, picking out a number of specific sentences from the submission document. RPS raise concerns about the impact on the views from the Pier and conclude that an EIA is required on heritage grounds given the likely effect on listed buildings (the Pier and the Kursaal) and the Conservation Area and locally listed building and the cumulative effect on all these assets.
- 6 113 The Heritage Assessment submitted concludes *'The car park (proposed site) is a neutral part of the setting of the heritage assets, neither enhancing nor inhibiting the appreciation of their significance. The proposed development will not affect the significance of any of the listed building. The skyline features of the dome of the Kursaal and the Palace Hotel will remain the dominant, and most visual, structure in the area. The only view affected from within the Clifftown Conservation Area will be the one from the listed pier. The view has been greatly considered in the design of the buildings, and due to this the proposed buildings would not stop the important elements of the view being appreciated, and would also fit into the view and add another dimensions to it. No other views from within the conservation area, or important views from outside the conservation area, would be changed. Overall, the proposals would have a neutral effect on the character and appearance of Clifftown Conservation Area. There is no reason to suppose that the development will cause harm to the significance of any designated heritage assets.'*
- 6 114 A small part of the site, within the south-western corner is located within the Clifftown Conservation Area. To the west of the site are locally listed buildings, Palace Hotel and St John's Church. To the south of the site there are a number of Grade II Listed Buildings including 1-3 Marine Parade, 4 Marine Parade, Hope Hotel, Marine Parade and the Pier. To the east of the site there are further locally listed buildings including The Cornucopia, 39 Marine Parade and The Falcon.

Public House, Marine Parade and further east is the Kursaal Conservation Area and the Grade II Listed The Kursaal, Eastern Esplanade

- 6.115 Given the location of the site in relation to these designated and non-designated heritage assets, given the design, nature, size and scale of the proposal, and taking into account the consultation response received from Historic England, whilst the comments from RPS have been fully considered, the local planning authority consider that whilst the development would have an impact on the settings of the heritage assets, it is considered that the development would be unlikely to have a likely significant environmental effect on the historic environment and heritage assets
- 6 116 As noted above, this section does not consider each area that this part of Schedule 3 specifically refers to as requiring particular attention. However, the first part above that considers ecology is considered to satisfactorily address point (i) to (v) above, as they are relevant to this proposal
- 6 117 Part (vi) refers to areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation retained in EU law and relevant to the project, or in which it is considered that there is such a failure. In this respect there is an Air Quality Management Area (AQMA) at the Bell Junction, some 2.5km north west of the site. The air quality assessment and memo submitted with this screening request states that there would be a negligible impact on the AQMA as a result of this development. As such the local planning authority consider that the development would not give rise to a likely significant environmental effect on the absorption capacity of the natural environment in this respect, subject to standard planning conditions requiring a dust mitigation strategy during construction and sustainable transport incentives such as a travel plan
- 6 118 Part (vii) requires densely populated areas to be considered specifically in terms of the absorption capacity of the natural environment. In this respect, it is noted that the site is located within an urban location, within the Town Centre and that the area generally could be considered to be densely populated. However, the screening opinion request has been submitted with a number of supporting and technical documents relating to matters including air quality, contamination, traffic and transportation and noise which have been considered elsewhere within this report and found not to have likely significant environmental effects. It is considered, as outlined previously, that the absorption capacity of the natural environment, paying particular attention to densely populated areas are such that the development would not be likely to result in a significant impact on the environment in this regard
- 6 119 Part (viii) which relates to landscapes and sites of historical, cultural or archaeological significance have been considered above

Characteristics of Potential Impact

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

6 120 The information submitted in this respect states *'The potential magnitude of the development proposals is small and is no greater than the local level within Southend itself at the very most'*

6 121 The local planning authority considers that the magnitude and spatial impacts of the development would be relatively limited in extent. The LVIA submitted indicates that visually the impacts of the development in this regard would be limited with only substantial impacts identified to a small number of very local receptors, including properties in Chancellor Road, particularly No's 24-30, No's 5-27 Herbert Grove, dwellings in Hartington Road, particularly No's 47-53, No's 1-4 Seaways and the flats at Queensway Lodge. Views of the development further afield would be somewhat limited due to the topography of the area and the existing development. The geographical area and size of the population likely to be affected by the magnitude and spatial extent of the impact of the development is therefore considered not likely to result in any significant environmental effects.

The nature of the impact

6 122 The information submitted in this respect states *'The nature of the impact is largely limited to the visual impacts of the development, potential impacts upon the highway and air quality impacts'*

6 123 The local planning authority concurs with the above consideration. The visual amenity impacts would be substantial but only to a very small residential population. Residential amenity impacts are different to the question of the likelihood of significant effects on the environment and are therefore not likely to be considered to be significant in the sense intended by the Regulations. The impacts on highways and air quality have been supported by technical supporting documents which have been considered elsewhere in this report and subject to conditions and/or S106 legal agreements in these respects it is considered that the development would be unlikely to result in a significant environmental effects in this regard.

The transboundary nature of the impact

6 124 The local planning authority agrees with the applicant that this is not applicable in this instance given the location of the development, and the existing, intervening built form.

The intensity and complexity of the impact

6 125 The information submitted states *'The nature of the potential impacts of the development are all modest and it is not the case that any large, unusual or complex impacts are associated with a development of this scale on this site'*

6 126 The local planning consider that given the location of the site, the nature of the surrounding area and given the overall design, size, nature and scale of the proposal that the development would not result in an intensity or complexity that that would result in any likely significant environmental effects in this regard.

The probability of the impact

- 6 127 The information submitted states *'The probability of the impacts are reasonably certain'* The local planning authority considers, given the extensive supporting documents and information that has been submitted with this screening opinion request that the probability of the impacts of the development can be reasonably certain

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

- 6 128 The submission states *'In practice, once the site is developed the impacts associated with the operational phase will be permanent and largely consistent on an annual basis Any impacts during the construction phase of the development will be temporary and will be managed and controlled as part of the Contractor's site wide construction strategy'*

- 6 129 The local planning authority considers that the construction phase would be limited to a relatively short duration (approximately 12-18 months) Once operational any impact of the development would be permanent However, as previously discussed within this report, subject to a host of mitigation measures which can be reasonably secured via planning conditions and S106 legal agreements, the local planning authority consider that any impacts could be suitable and adequately mitigated and that there would be no residual likely significant environmental effect

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

- 6 130 Planning permission was granted at Marine Plaza under reference 14/01462/FULM, as previously discussed above The information submitted with the screening opinion request states *'An Environmental Statement accompanied this application, ultimately once mitigation measures were accounted for the Marine Plaza development proposals were not judged to give rise to any unacceptably significant or complex environmental impacts The two sites in question are discreet parcels of land and are separate from one another both spatially and physically In particular vehicle access to the Marine Plaza site is divorced from the Seaways site and relate to materially different sections of the highway network The delivery of one does not rely upon the delivery of another Similarly the residential nature of the Marine Plaza development will not exacerbate the potential environmental impacts of the development proposals at the seaways site The site lies within the town centre of Southend where there are many existing visitor attractions The development proposals will add to the town centre offer and therefore will likely increase the pull of visitors to the town centre However in the context of the magnitude of the existing pull factor the development impacts will be negligible relatively speaking'* The submission documents have also considered a number of other allocated sites with extant planning permission, some of which are currently being undertaken, in the wider surrounding area, as discussed above The local planning authority consider, given the location of these other allocations and permissions, the nature and location of the Seaways site and the topography and intervening built form, that the cumulation of the impacts of these schemes in combination with these

allocated and extant schemes would not be likely to result in any likely significant environmental impacts

- 6 131 Given the above and taking account of the findings, conclusions and recommendations contained within the suite of technical supporting information and reports submitted with this screening request, it is considered that the characteristics of the potential impacts of the development is unlikely to result in significant environmental impacts in cumulation with other existing and approved development in the area in the sense intended by the Regulations
- 6 132 The information submitted states *'The supporting evidence clearly supports the view that cumulative impacts in transportation, air quality, ecology and recreational pressure and landscape and visual impact are unlikely to be significant'*
- 6 133 The submitted information refers to the ecological information submitted with the screening request and concludes that *'There is not identified to be any significant impact in cumulative terms'*
- 6 134 Given the information submitted, the location of the development, the nature of the existing site and the findings, conclusions and recommendations of the technical reports provided, and given the comments received from Natural England, subject to the use of planning conditions, the local planning authority considers that the characteristics of the potential impacts in terms of the cumulation of the impact with the impact of other existing and/or approved development in terms of ecology is unlikely to result in significant environmental effects
- 6 135 In terms of transportation, this screening opinion has already identified the broad level of likely increase in traffic generation anticipated as a result of the development and the new access arrangements. It is considered that subject to conditions for the necessary mitigation to secure maximum use of non-car modes of transport and the scheme design improvements, the proposed development will not result in any significant increase in traffic generation which is likely to give rise to significant environmental effects. The local planning authority considers that the cumulation of the impact of the development combined with other existing and approved development would not be likely to have a significant environmental effect as a result of highway or transportation impacts
- 6 136 In terms of air quality, this screening opinion request has been submitted with an Air Quality Assessment and Air Quality Memo. In their representations received, RPS comments that there may be significant effect arising from air quality, taking into account cumulative effects arising from traffic generation from all allocated sites. The information submitted elsewhere in the screening opinion statement submitted comments *'The air quality assessment found that the increases in annual mean concentrations at these receptors would be very small – between 0.1 and 0.3 micrograms per cubic metre. Such impacts are classified as 'negligible''* It is also stated that mitigation is proposed to cover the construction (e.g. dust mitigation) and operational phases (e.g. travel plan and sustainable transport measures and incentives)

- 6 137 Given the location of the site and its separation from other allocated or committed sites and the local planning authority's ability to impose planning conditions requiring mitigation measures such as a construction management plan, to include dust mitigation measures, the local planning authority considers that the cumulation of the impact of the development combined with other existing and approved development would not be likely to have a significant environmental effect in this respect as a result of air quality impacts
- 6 138 In terms of visual impacts, the information submitted here states *'For the purposes of understanding landscape and visual impacts, the scheme has been considered cumulatively with relevant development schemes within the zone of visibility and beyond including the Marine Plaza scheme the Southend Museum allocation, Clifftown Shore development and the Old Gasworks Car Park site. There is not identified to be any significant cumulative impacts leading to any likely significant environmental effects'*
- 6 139 The local planning authority considers Marine Plaza development as the main site with the potential for cumulative effects due to its location some 250m east of the proposed Seaways site As set out in the LVIA, it is apparent that there are some viewpoints whereby both schemes would be visible, from example from views east of Marine Esplanade and the Seafront, views east from Southend Pier and the Thames Estuary, views west from Eastern Esplanade, Southchurch Beach and points further east and from some taller buildings to the north As such there are some viewpoints where both developments will be visible However, these are assessed in the LVIA submitted and given the urban character of the existing area and the nature of these views, the local planning authority consider the cumulation of the impact of the development when combined with the Marine Plaza development is unlikely to have a significant environmental effect in terms of visual and landscape effects
- 6 140 The Southend Museum allocation is located some 600m to the west of the site The Clifftown Shore development (former Esplanade public house) is located some 460m to the west of the site As set out in the LVIA, the Seaways development is unlikely to be inter-visible with the proposed museum and/or Clifftown Shore development but all may be seen from the Pier and in wider views from the Estuary However, given the distance between these developments and the intervening built form, with these schemes being seen in the context of the urban environment, the local planning authority do not consider that that there would be any likely significant environmental effects as a result of cumulation between these developments.
- 6.141 In terms of the old gas works car park site, this site would be located approximately 570m to the east of the Seaways site The site is currently used as a surface level car park Given the nature of the gas works car park site and the distance between the sites and intervening built form, the local planning authority do not consider that that there would be any likely significant environmental effects as a result of cumulation between these developments
- 6 142 The local planning authority consider all other existing, approved or allocated developments are sufficiently remote and separate from the proposed Seaways

development, with intervening built form to prevent any likely significant environmental effects as a result of cumulation.

- 6 143 Given the above and having regard to the LVIA submitted with the screening request, whilst RPS comments are notes, it is considered given the sites location, the existing development in the area, and the nature and location of other consented schemes within the wider area that characteristics of the potential development in terms of cumulative impacts, subject to the imposition of planning conditions and/or S106 legal requirements, would not be likely to have a significant environmental effect in the sense intended in the Regulations
- 6 144 In terms of recreational pressure, the screening opinion request has been submitted with a Habitats Regulations Assessment Screening Report which concludes *'Significant adverse cumulative impacts as a result of the Development in combination with the new residential housing are assessed as unlikely to occur the development is primarily an indoor recreational facility with its main draw being a multi-screen cinema and associated restaurant facilities The operational use of the cinema and restaurants pose no direct threat to local international wildlife sites and provide a new recreational opportunity for visitors to Southend-on-Sea and its residential community away from European sites Non-physical damage to Benfleet and Southend Marshes SPA and Ramsar as a result of recreational activity by Development hotel occupants is therefore considered unlikely to be significant'*
- 6 145 RPS consider that the Habitat Regulations Assessment submitted fails to assess the impact of dog walking activities from hotel visitors, particularly in the winter time which could add pressure on the European designated sites In this respect, the local planning authority consider that any concerns in this respect could be mitigate with the imposition of planning conditions requiring details of the number of guests with dogs and/or limiting the number of dogs at the hotel The local planning authority consider that any impacts in this respect could be suitably and adequately mitigated with planning conditions in this respect and that there would be no likely significant environmental effects in this regard
- 6 146 Given the findings of this technical report and the comments received from Natural England, subject to conditions, it is considered that the development would be most unlikely to have any significant environmental impact on the European sites or the wider environment
- The possibility of effectively reducing the impact*
- 6 147 The information submitted in this respect within the screening opinion statement states *'The possibility of effectively reducing the potential impact of development is certain A number of mitigation measures are outlined in this statement and the accompanying assessment documents All forms of mitigation are not novel and represent industry standard measures that are regularly adopted on schemes of this nature The delivery of mitigation shall be secured through condition or planning obligation in the usual way'*
- 6 148 This screening exercise, based on review of the submitted technical reports and statements, as outlined above and based on site observations and based on the

submitted plans, subject to the imposition of planning conditions and a S106 Legal Agreement, has not identified any features of the proposed development which would, result in likely significant effects on the environment in the sense intended by the Regulations. The local planning authority considers that the development would not constitute EIA development requiring an Environmental Statement in any respect and the proposed mitigation can be secured with standard planning conditions and S106 legal agreements.

Other Matters

- 6 149 The screening opinion statement submitted contains only limited commentary with regard to socio-economic impacts as a result of the development. The local planning authority recognise that the development would provide additional temporary employment opportunities during the construction phase of the development and once operational will provide additional, permanent employment. In social terms the local planning authority recognise that the development would result in the regeneration of an underutilised brownfield site located within the Town Centre. The local planning authority recognise that the development could result in linked trips to the benefit of existing businesses in the town centre/seafront.
- 6 150 In their representations, RPS states that there will be significant socio-economic effects with the proposed development. RPS in their objections refer to the Economic Benefits Assessment and Economics Benefits Assessment Addendum submitted with the planning application that is pending determination for this development at this site (reference 18/02302/BC4M). These documents have not been submitted with the EIA screening request. For clarity the Economic Benefits Assessment referred to concludes *'In summary, the benefits associated with approval and delivery of the proposed development on the application site are significant and will make a valuable contribution to the local viability and vitality of Southend-On-Sea town centre. At a strategic level the proposed development will support net additional employment and growth in the Borough and more widely in the regional economy.'* The local planning authority recognises that this report refers to the benefits being "significant". However, whilst it is acknowledged that this document has not been submitted with the EIA screening opinion request, it is considered that the development could result in significant benefits for example as a result of additional jobs, but this does not mean there will be a likely significant effect on the environment in the sense intended by the EIA Regulations. The transportation, air quality and noise assessments have regard to all those visiting the site whether to work or enjoy leisure time.
- 6 151 The Economic Benefits Assessment submitted with the application under reference 18/02302/BC4M states that the development would result in a gross additional employment of over 94 full time equivalent jobs during the construction phase and between 270 and 323 net full time equivalent jobs when in operation. Given the level of socio-economic benefits of the scheme within this town centre location which would already provide a large number of employment opportunities and jobs, it is considered that in EIA terms the likely environmental effects would not be considered significant in the sense intended by the Regulations.

6 152 Representations have been received from RPS on behalf of The Stockvale Group in relation to this screening request (copies of these documents are included in appendix 1) The representations made raise a number of concerns relating to the information submitted and the conclusions reached within the submission documents that accompany this application RPS concludes that the development is likely to be considered EIA development and requires the submission of an Environmental Statement The local planning authority has fully considered the representations made in the determination of the screening request However, having fully considered the comments made, the local planning authority disagree with the conclusions reached by RPS for the reasons set out with this report, and conclude that the development would not result in any likely significant environmental effects and would not therefore constitute an EIA development and would not require an Environmental Statement

6 153 RPS refers to the previous lawful demolition of the ice cream factory and seems to suggest that this demolition is part and parcel of the proposal It is noted that this demolition has already taken place as consented seperately Whether this demolition was undertaken to aid or as part of this development or not, given that this has already taken place, the empty site forms part of the baseline against which the proposal is assessed Whether considered individually or cumulatively with this proposed development and other existing and approved developments in the surrounding area it is not considered that this demolition would result in the development resulting in likely significant environmental effects that would require an Environmental Statement This element whether taken individually or cumulatively would not result in likely significant environmental effects in the sense intended by the Regulations

Documents to accompany any application

6 154 Whilst it is not considered that the proposals will lead to likely significant environmental impacts, any application made would need to be accompanied by an appropriate suite of technical documents that clearly set out the proposal put forward and enable its full assessment against all the relevant planning policies and other material considerations This would be likely to include the following documents

- Application form and appropriate certificates
- Community Infrastructure Levy forms
- Existing and proposed application drawings
- Landscape Visual Impact Assessment to include Residential Visual Impact Assessment and Photomontages
- Planning Statement
- Design and Access Statement
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan
- Transport Assessment including VISSIM modelling
- Car Park Management Strategy
- Energy Assessment
- Sustainability Statement
- BREEAM pre-Assessment
- Flood Risk Assessment, Surface Water Drainage and Foul Water

Development Control Report

- Drainage Strategy
- Daylight and Sunlight Impact Assessment
- Site Waste Management Plan
- Construction Vehicle Routing Strategy
- Acoustic Assessment
- Air Quality Assessment
- Draft heads of terms for planning obligations
- Ecological assessment (including a preliminary ecological appraisal and any necessary protected species surveys)
- Contaminated Land Assessment – a Phase 1 Geotechnical and Geo-environmental Desk Study
- Statement of Community Involvement
- Waste Management Strategy
- Economic Benefits Assessment
- Landscape Strategy
- Habitats Regulations Assessment Screening Report
- Lighting Strategy
- Health Impact Assessment
- Travel Plan
- Archaeological Evaluation Report
- Heritage Statement
- Car Park Management Plan

7 Conclusion

- 7.1 The proposed development constitutes Schedule 2 development. The development would exceed 10,000sqm of commercial floor area and as such would exceed the indicative screening thresholds for urban development projects of this nature. However, the NPPG makes it clear that *'it should not be presumed that developments above the indicative criteria should always be subject to assessment or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits'* (Paragraph 018 reference 14-018-20170728). The indicative screening thresholds annex on the NPPG indicates that the issues most likely to need to be considered for this type of development are the *'Physical scale of such developments, potential increase in traffic, emissions and noise'*
- 7.2 The site is not located within a sensitive area. The closest and only sensitive areas are the European sites. The above analysis evaluates the proposal in terms of the characteristics of the development, the location of the development and the characteristics of the predicted likely impacts of the proposal, including the physical scale of the development, predicted likely increase in traffic, emissions and noise. For the reasons identified it is concluded that in each of these respects, taken together with LVIA, heritage and all other assessments and cumulatively with other committed development and in totality, that the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations.
- 7.3 On the basis of this analysis it is concluded that the proposal is not a major

development which is of more than local importance, is not situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. The complexity and extent of the impacts of the development is not considered likely to be such that they would result in significant effects on the environment

- 7.4 Taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors it is considered that the development described in the information accompanying the submission **WOULD NOT** be likely to have significant effects on the environment pursuant to the Regulations. Therefore an EIA is **NOT** necessary and an Environmental Statement, in line with the Regulations, is **NOT** required to be submitted with an application for the development described in the information submitted.

Case Officer		
Signature	<i>C. White</i>	Date <i>28/10/19</i>
Senior Officer		
Signature	<i>P. A. Kygan</i>	Date <i>28/10/19</i>
Delegated Authority		
Signature	<i>[Signature]</i>	Date <i>28/10/19</i>

Appendix 1 Representations Received

Email received 11th October 2019

To the point, the development is likely to be considered EIA Development and requires the submission of an Environmental Statement. You should conclude such as you have no evidence not to. We set out reasons for this below, but if the Council is unwilling to draw this conclusion for any reason, then our client will request a Screening Direction from the Secretary of State, who may take the same view as RPS. This will result in a further substantial delay to the planning application for the same development (Ref 18/02302/BC4M). In fact, RPS would argue the current application should be withdrawn because the submission of an Environmental Statement is too substantial and this would amount to a material change to the application so it should not be considered under the 2018 application.

Please find attached a report setting out the EIA considerations in relation to the Applicant's request for a new EIA Screening Opinion. It is an updated version of the report which you received on 27th August 2019 based on information submitted by the Applicant. Its conclusions are no different, however, and the development will likely give rise to significant effects and therefore should be considered EIA Development. I also attach specific commentary on landscape and heritage matters (prepared before Appendix 3 was provided, but which is unlikely to change the conclusions) that are relevant to the EIA matters, and complement the reports submitted to you on 20th September 2019.

In summary, RPS's view is that the proposed development should be found to be EIA development as it will give rise to significant effects, as follows:

- Landscape/townscape/visual impact – there are numerous errors with the LVIA report, including assessments of sensitivity or attempts to downplay effects, and so the approach fails to comply with relevant GLVIA guidance. The cumulative effects fails to assess filling and incremental change.

The Applicant has already acknowledged that the development will give rise to substantial effects as you are already aware. The Opinion Statement argues these are local and not significant in the round, but there is simply no test for that approach. The question is whether it would give rise to significant environmental effects (anywhere or altogether), and that question on these grounds must be answered as 'yes'. An Environment Statement assessing those effects must be prepared. See Paragraph 69 of our RPS Notes on LVIA and Screening Statement attached to this email for more details, as well as our previous submission sent to you on 27th August and 20th September 2019.

- Heritage - the proposed development has the potential to adversely affect a number of heritage assets in the area, both designated and non-designated ones. Indeed, the Heritage Assessment acknowledges on Page 4 35 that there will be 'considerable change' to the Conservation Area, which might well be classified as a significant effect (Paragraph 20 of the RPS Notes on the Heritage Statement). Furthermore, it acknowledges in Heritage Assessment Paragraph 4 32 that the 'biggest change' - which must be more than 'considerable', will arise from the Pier looking back at the development. The Heritage Assessment is not clear as to whether the building would be seen from the Conservation Area, but this is a 'is or is it not' (Paragraph 17 of the RPS Notes on Heritage Statement). It appears to fail to assess the cumulative impact of the development on heritage assets (see Paragraph 19 of RPS Notes in Heritage Statement regarding the historic townscape character). An EIA is required on heritage impact grounds alone, given the likely effect on listed buildings (the Pier, the Kursaal), the Conservation Area and locally listed buildings, and the cumulative effect on all of these assets arising from the proposed development.
- The assessment of the impact on the views from the Pier both in terms of landscape/townscape/visual impact and heritage considerations is misleading/erroneous in both the LVIA and Heritage Assessment, noting both RPS and Historic England have raised substantial concerns regarding this. There are other conflicts between the two submitted documents, such as in relation to the long views of the Palace Hotel (see Paragraph 16 of the Notes on Heritage Statement).
- There will be significant socio-economic effects with the proposed development. This is acknowledged in the planning application documentation, but which was not submitted to you as part

of the EIA Screening Request application See Page 8 of the Carter Jonas Cover Letter related to the planning application, along with the Economic Benefits Assessment and Addendums (Lambert Smith Hampton) submitted by the Applicant, which include references to the significant effects

- There could be a significant effect on the habitat of protected species, given the absence of emergence surveys regarding roosts at the toilet block (Building 7 in the Preliminary Ecological Appraisal) I refer to my email from yesterday on this point
- There may be a significant effect arising from air quality, taking into account the cumulative effects arising from traffic generation from all allocated sites RPS has only received a copy of the Air Quality Technical Note because it was not published on the website until Wednesday 9th October, 2019, so we will update this section shortly
- The Habitat Regulations Assessment (HRA) fails to properly assess the impact of dog walking activities from hotel visitors, particularly in the winter time, which could add pressure to the European designated sites The report inadequately demonstrates how it concluded that there would not be significant effects Specifically, RPS notes there are far fewer visitors to Southend in winter periods, the key period for the habitat and species, and so the extent of change arising from the hotel and increased visitors to close proximity of the European Site could substantially increase pressure and potentially have a significant effect Without providing any details of a winter time visitor impact assessment, the conclusions of the HRA are questionable and a precautionary approach should be applied by the Council

There may be other effects which are significant (e.g. noise) The appropriate Environmental Statement topics will obviously be determined at scoping stage, and will enable a full consideration of alternatives (e.g. to protect the TPO trees)

Based on the Applicant's own assessments as well as RPS's own view, if the Council reaches any other conclusion than the proposed development is EIA Development which requires an Environmental Statement to be prepared to adequately assess relevant effects, our client will test the Council's view and seek a Screening Direction from the Secretary of State using much of the information provided by the Applicant as well as our own research (some of which is provided herewith) This will result in substantial delay to the processing of the planning application It may also shed clear light on the Council's incorrect determination of the EIA Screening Request in November 2017, when they drew conclusions contrary to professional opinion without any basis (the substantial effects identified by the Applicant's landscape consultant at that time)

Indeed the whole purpose of undertaking a Screening exercise for Schedule 2 developments is because of the scale of development, there is a good chance it can give rise to significant effects In the case of Turnstone's proposed development at Seaway Car Park, both the Applicant and RPS already agree that **there will be significant effects, so the logical conclusion is that these require further assessment under the EIA Regulations. The Council must conclude the same.** Whilst it is acknowledged that other similar Schedule 2 leisure developments (those located on the edge of towns) may not have such sensitive receptors so close to the development site (existing residential properties, heritage assets, European Sites, etc) and could be screened out, this is simply not the case here

I formally request that you send me a copy of your Screening Opinion as soon as it is made public, so we can review and determine the next course of action (e.g. Direction request to the Secretary of State) I look forward to reading that you have finally confirmed that the development is EIA Development and an Environmental Statement is required We can then all turn to the Scoping process In the meantime, the planning application process should certainly be paused whilst this is concluded, but there is certainly an argument to state that the planning application should be entirely withdrawn until the EIA matter is wholly and adequately resolved (by the Secretary of State if necessary)

The following documents were attached to this email are included below

- EIA review
- Notes on heritage Statement Sept 19 submission
- Notes on LVIA Statement Sept 19 submission

Email received 27th August 2019

In our original objection letter dated 7th February 2019, we promised to write to you regarding Environmental Impact Assessment (EIA) matters. In light of the planning application documentation and recent consultee responses, we have re-assessed the proposed development associated with the above application against the Town And Country Planning (Environmental Impact Assessment) 2017 Regulations, as amended. We are pleased to provide you with our report, which concludes that the Council should revisit its Opinion due to a number of shortcomings with its approach and with the information that it previously relied on to make its determination that the proposed Seaway development was not EIA development. I set out some key points regarding it below.

- In relation to landscape/townscape, the information accompanying the Opinion clearly stated that up to substantial effects on local views are possible. These could be considered 'significant' in EIA terms. However, with the application, the assessed effects were lowered, because there was a downgrading of the sensitivity of residential receptors. It is not clear how this downgrading was determined, noting good practice and the author's methodology, but it does raise questions regarding whether the developer has sought to underplay the potential effects without justification. In addition, some of the trees on site are now confirmed to be valuable. We have not seen any drawings which suggest they will be retained with the proposed development, and their loss with the proposed development has to be considered in the EIA context. This alone warrants a revisit of the Opinion.

More importantly, we are also unclear how the Council was able to assess the 'substantial' effects identified by the developer's own team and conclude these were not significant when no professional landscape/townscape person was in the employ of the Council at that time to take a professional view on the matter. This alone suggests that there have been procedural errors with the Opinion issued by the Council and alone this warrants its revisiting. In this regard, RPS is preparing a LVIA which looks at these issues, and this will be issued shortly, but we also understand that the Council has now employed such professionals (we welcome such a move). You are now in a position to revisit what was reported during the Screening process versus what is being reported at applicant stage, to determine if there has been errors in the developer teams approach.

Separately, we would appreciate if you are able to let us know which firm has been appointed and the lead contact there, noting it is a public contract (please treat this as a FOI request, if necessary).

- In terms of Heritage matters, it is clear that Historic England has indicated there would be effects on heritage assets (including non-designated ones). These may be significant given the concerns raised by Historic England, and warrants a revisit of the information from a EIA context. In this regard, RPS is preparing a Heritage Assessment which in our view, better complies with NPPF Paragraph 189 (the submitted assessment is, in our view, inadequate and does not discharge the requirements of NPPF Paragraph 189). We will be issuing this shortly, and which we'll share this with Historic England and other bodies to ensure others can comment as well. With this information, the Council should revisit whether there would be significant effects on both designated and non-designated heritage assets.
- It is clear from the evidence that there would be significant effects arising from the development with regards to economic matters. We also note that in our comments on the economic assessment submitted with the application (prepared by Aventura Consulting and submitted with our main objection letter dated 7th February 2019) that there was a lack of information on some of the other potential effects, so there is certainly a need to revisit this from a EIA perspective once a comprehensive assessment has been carried out.
- In terms of transport effects, the information relied upon at Screening Opinion stage appears to underplay the level of traffic generation (the model split) and the temporary effects on parking has not been addressed. We understand your transport team are in discussions with the applicant regarding the provision of such additional information. The proposed development should be re-screened once appropriate transport information has been provided to ensure there would be no significant effects arising from traffic, parking and transport matters.

- It is also noted that no information was provided which lends to the Council's conclusion that significant operational noise effects are not likely, so it is unclear how this conclusion was reached. Indeed, your Environment health team's comments on the application clearly reflect our view that there is a lack of information to assess effects. This alone warrants a revisit of the Opinion once such information is provided.
- There is also no information regarding cumulative effects.

You will see from the above and attached that there are serious issues regarding the way in which the Opinion was reached, and which a proper assessment may have concluded that the development is EIA development. If the Council relies on the current Opinion as it stands, it is quite possible that any decision is challengeable from an EIA perspective, as we have demonstrated. We therefore urge the Council to revisit the EIA Screening Opinion once the relevant information is available, and halt the processing of the application until such information is available (or ask that the application is withdrawn until such information is available).

We note that once you have revisited the Opinion, if you conclude the development is EIA development, EIA Regulations 11 and 20 set out how you can then consider a validly made application that is subsequently found to be EIA development. We trust that these regulations will be followed as appropriate, and we look forward to participating in the process.

We would be more than happy to provide any clarifications with regards to our report and conclusions, should it be necessary. I'll be in touch shortly with the LVIA and Heritage Assessment.

The following documents were attached to this email are included below

- EIA Technical Review