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Town & Country Planning (EIA) (England) Regulations 2017
Request for Screening Opinion on behalf of RV Services Limited

Former ABC Cinema Site, Tunbridge Wells

TS/16596
May 2022





Town & Country Planning (Environmental Impact Assessment) (England) Regulations 2017

REQUEST FOR A SCREENING OPINION

Client: **RV Services Limited**
Site: **Former ABC Cinema Site, Tunbridge Wells**
Date: **May 2022**
Reference: **TS/16596**

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1 Introduction

1.1 Purpose of this Document

1.1.1 This report has been prepared on behalf of RV Developments Tunbridge Wells Ltd Retirement Villages Services Ltd as a formal request to Tunbridge Wells Borough Council (TWBC) for an opinion as to whether the development of an extra care retirement community together with associated facilities, in addition to high street commercial floor space with associated access, landscaping and other works on the former ABC Cinema Site, Tunbridge Wells constitutes a project requiring Environmental Impact Assessment (EIA) in accordance with Regulation 5(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017¹.

1.1.2 The preparation of this Screening Request has followed the EIA Regulations and the Department for Levelling Up, Housing and Communities (DLUHC) web-based Planning Practice Guidance: Environmental Impact Assessment which provides guidance on the application of EIA in England.

1.2 Case Details

1.2.1 This Screening Request sets out the information required by the determining Authority in accordance with Regulation 6(2) to determine the need for EIA.

1.2.2 It should be noted that the EIA Regulations (Regulation 5(5)) require all screening decisions to state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3.

1.2.3 The key details of the proposed development subject to this screening request are set out in Table 1.1.

Applicant	RV Services Ltd.
Site Address	Former ABC Cinema Site, Tunbridge Wells
Brief Description of Development	Development of an extra care retirement community and associated facilities, including high street commercial floor space, car parking, landscaping and other works
Site Area	c.0.8ha

Table 1.1: Key details

¹ Hereafter, all references to Regulations and the "EIA Regulations" refer to this document.

1.3 Site Description

Location Plan

- 1.3.1 In accordance with Regulation 6(2) a site location plan is provided as Figure 1 below.

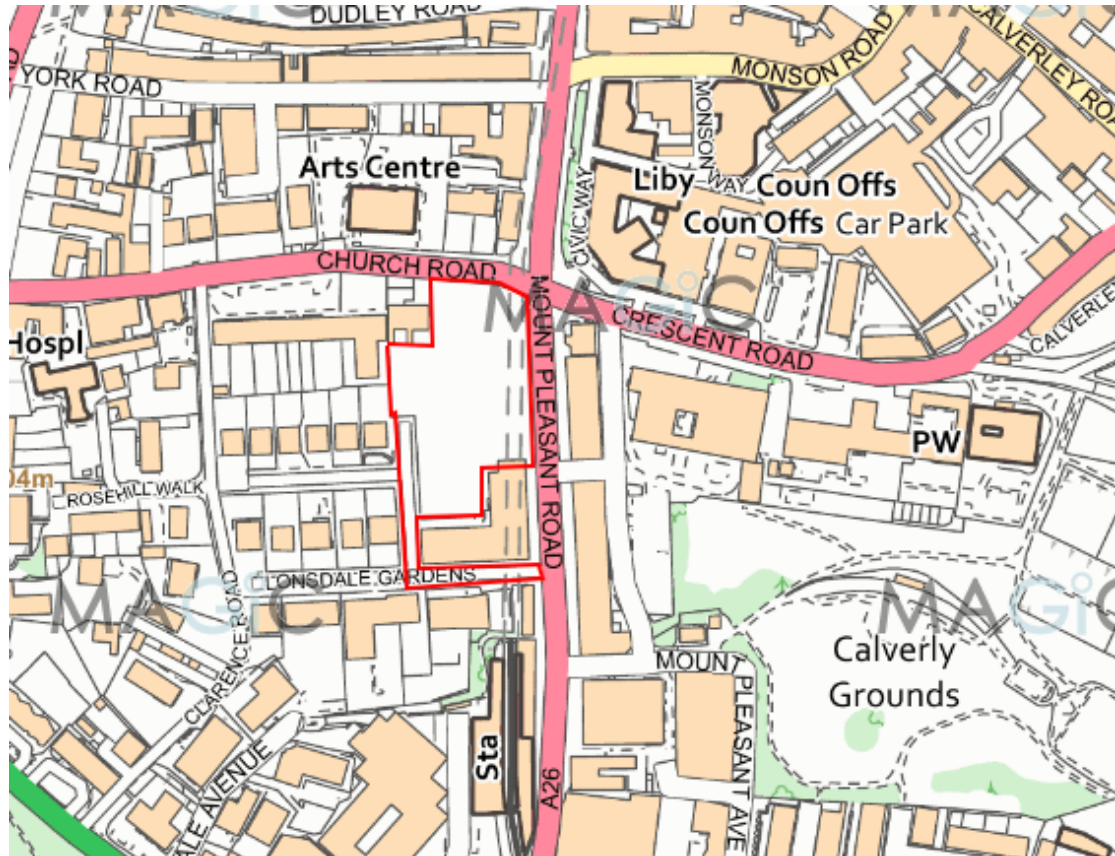


Figure 1.1: Site location (red line indicative).

Proposed Development Site

- 1.3.2 The site extends to approximately 0.8ha of land in Tunbridge Wells Town Centre. The site is bound to the north by Church Road; to the east by Mount Pleasant Road; to the south by existing retail properties fronting Mount Pleasant Road; and to the west by Clarricarde Road. The Site is presently vacant following the demolition of the buildings which previously occupied the site in 2014 (the former ABC Cinema). The site sits on a gradient which falls from north to south, and also from west to east.
- 1.3.3 The remains of two grade II listed 18th Century Lamp Supports lie within the red line at the junction of Lonsdale Gardens and Mount Pleasant Road.
- 1.3.4 Opposite the site exists a grade II listed building comprising 82 Mount Pleasant Road, grade II listed Town Hall, grade II The Priory and north west of the site grade

II* listed Holy Trinity Church. The site falls wholly within the Tunbridge Wells Conservation Area.

- 1.3.5 There are no Tree Preservation Orders within the site. The site is located entirely in flood zone 1. There are two public right of way that run across the site.
- 1.3.6 The Tunbridge Wells railway line tunnel runs beneath the site.
- 1.3.7 Figure 1.2 below provides an aerial view of the site.



Figure 1.2: Aerial view of the site (red line indicative).

Planning History

- 1.3.8 The Council’s online planning register records the following recent and/or relevant planning history for the site.

Reference	Description	Status
08/02877/EIASCR	EIA Screening Opinion - Mixed use scheme comprising a hotel, office space, retail units and associated car parking.	EIA not required.

08/03119/FULMJ	Demolition of all existing buildings. Redevelopment of site with mixed use classes including C1 (hotels), B1 (offices), A1 (Shops), A2 (professional & financial services) & A3 (restaurants), with servicing and car parking.	Approved.
16/06516/ENVSCR	EIA Screening Opinion for Up to 110 dwellings, Up to 6,000 sqm GIA of flexible non-residential floorspace (Use Classes A1, A2, A3, A4, A5, D1, D2 and B1a) in units predominantly fronting Mount Pleasant Road New car parking (up to circa 100 spaces to serve the residential properties), New access arrangements (vehicle and pedestrian); Alterations to the road layout; and Landscaping and enhanced public realm	EIA not required.
17/02262/FULL	Full planning application for mixed use redevelopment comprising 3,039 sqm Gross Internal Area (GIA) retail uses (Use Class A1/ A2), 1,895 sqm GIA restaurant use (Use Class A3), 1,049 GIA sqm cinema (Use Class D2) and 99 dwellings (Use Class C3) together with provision of car and cycle parking, highway works, public realm improvements, and associated works, realignment of Public Right of Way ref WBX17 and extinguishment of Public Right of Way ref WBX18, and either:- (a) 9 additional dwellings (Use Class C3) and 372 sqm GIA office uses (Use Class B1); Or (b) 1,144 sqm GIA medical centre (Use Class D1).	Approved.
19/01869/FULL	Minor material amendment to 17/02262/FULL (mixed use development comprising retail uses, restaurants, cinema, 108 dwellings, car and cycle parking, highway works, public realm improvements, realignment of Public Right of Way WBX17 and extinguishment of Public Right of Way WBX18). Amendments include: Reduction in retail/restaurant floorspace; removal of office accommodation; external and internal alterations including new glazed links, changes to fenestration/doors, extensions to residential blocks; changes to height of building (no higher than tallest element previously approved); reduction in height of cinema and relocation of entrance to ground floor; alterations to parking, delivery, servicing and access arrangements; and alterations to the public realm and landscaped areas.	Approved.

1.4 Nature and Purpose of the Development

1.4.1 RV Services limited are intending to apply to TWBC for:

"The redevelopment of the former Cinema Site comprising the demolition of no. 41 Mount Pleasant Road, removal of existing hardstanding and the provision of an extra care retirement community comprising extra care accommodation together with associated facilities; new commercial floorspace Use Classes E(a), E(b), E(c), E(e), E(g) & Sui Generis Uses (beauty related uses and drinking establishments); access; landscaping, public realm improvement works; engineering and earthworks; associated infrastructure; and the re-alignment of Public Right of Way ref WBX17 and extinguishment of Public Right of Way ref WBX18."

- 1.4.1 The development will include approximately 165 apartments together with associated facilities and approximately 800m² of commercial floorspace. Vehicle access to the site is proposed from Clanricarde Road.

1.5 Applying the screening process to the proposed development

- 1.5.1 The EIA Regulations are applied to certain types of development that may have significant effects on the environment. The Regulations categorise various development types as 'Schedule 1' or 'Schedule 2' development, with the nature of the proposals, their location and scale being the determining factors as to whether they are likely to have significant effects.
- 1.5.2 All Schedule 1 development and some Schedule 2 developments (where they are likely to have significant effects) are termed "EIA developments". The proposed development is not of a type described within Schedule 1 of The Regulations.
- 1.5.3 In the case of development types categorised in Schedule 2, the location must be examined to determine if the site is in a sensitive area as defined in the Regulations. If the development is in a sensitive area and is likely to have significant effects on the environment, then it is EIA development.
- 1.5.4 If the development site is not in a sensitive area, the next stage is to assess whether the development proposals exceed or meet any of the applicable thresholds and criteria for that particular type/class of development. These thresholds and criteria relate to the attributes of a type of development (e.g. size of the site, production, capacity etc.) Not meeting or exceeding the thresholds is a strong indication that EIA is not required. If the development exceeds or meets any of the applicable thresholds and criteria, then it is termed a Schedule 2 development.
- 1.5.5 The next stage is to assess if the development is likely to have significant effects on the environment. If it is concluded that significant effects are likely then the development is EIA development.
- 1.5.6 Where a development is of a type described in Schedule 2, an EIA is more likely to be required if the development site is in a sensitive area or the attributes of the development exceed or meet any of the applicable thresholds and criteria.
- 1.5.7 In this case, the proposed development is considered to fall within section 10(b) of Schedule 2: Urban Development Projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.

1.6 Whether the site is within, partly within, or near a "sensitive area"

- 1.6.1 As recognised in the Government's National Planning Practice Guidance (NPPG), the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require EIA². Regulation 2(1) defines certain designated sites as "sensitive areas" where the thresholds in the second column

² <http://planningguidance.planningportal.gov.uk/>, section 4, paragraph 032; Reference ID: 4-032-20140306

of Schedule 2 do not apply, and where all developments must be screened for EIA.

1.6.2 The site is assessed against these designations in Table 1.2.

Sensitive Area Type	Applicable?
(a) land notified under sub-section (1) of section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981	No
(b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949	No
(c) the Broads	No
(d) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage	No
(e) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979	No
(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;	No
(g) a European site	No

Table 1.2: Sensitive Area Assessment

Conclusion

1.6.3 The proposal site is not located within a sensitive area as defined by Regulation 2(1) of the EIA Regulations.

Other Statutory and Non-Statutory Designations

1.6.4 Other statutory and non-statutory designations have been considered which are not included in the definition of "sensitive areas", but which are nonetheless environmentally sensitive and so may be relevant in determining whether EIA is required.

1.6.5 In accordance with the NPPG, regard has also been given to whether any national or internationally agreed environmental standards are being approached or exceeded in this location.

1.6.6 The site lies within 100m of the A26 AQMA which extends in part along Church Road and designated in response to monitored levels of ambient nitrogen dioxide exceeding the National Air Quality Objective Level.

1.6.7 The remains of two grade II listed 18th Century Lamp Supports lie within the red line at the junction of Lonsdale Gardens and Mount Pleasant Road. Opposite the site exists a grade II listed building comprising 82 Mount Pleasant Road, grade II listed Town Hall, grade II The Priory and north west of the site grade II* listed Holy Trinity Church. The Site falls wholly within the Tunbridge Wells Conservation Area.

1.6.8 Consideration to the potential for significant effects on these environmental sensitivities has been given and set out under the appropriate headings in this report.

1.7 Applicable thresholds and criteria

1.7.1 When a proposed development is of a type described in Schedule 2 and not sited in a sensitive area as defined in the EIA Regulations, the applicable thresholds and criteria for that type of development need to be examined. The NPPG notes that only a very small proportion of Schedule 2 development will require EIA³, taking account of the selection criteria set out in Schedule 3 of the Regulations.

1.7.2 In the case of “urban development projects” falling within category 10(b) of Schedule 2 of the Regulations, such as the proposal subject to this screening request, the EIA regulations define the applicable thresholds and criteria for the proposed type of development (Schedule 2 paragraph 10(b)) as:

- (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.

1.7.3 The proposed development will include approximately 165 dwellings. The proposed development is therefore a Schedule 2 development and the decision as to whether or not an EIA is required rests on whether the proposed development has the potential to result in likely significant environmental effects.

³ <http://planningguidance.planningportal.gov.uk/>, section 4, paragraph 018; Reference ID: 4-018-20140306

2 Potential Environmental Effects

2.1 DLUHC Selection Criteria

2.1.1 Notwithstanding a consideration of the selection criteria in Schedule 3 of the EIA Regulations, the Annex of the DLUHC Planning Practice Guidance on EIA provides guidance on the size and scale of various types of Schedule 2 developments that may result in significant effects on the environment, thus requiring EIA. This is done through the use of indicative thresholds.

2.1.2 The DLUHC web-based guidance provides indicative criteria /thresholds in relation to 10(b) infrastructure projects. The guidance states that for section 10(b) developments the following should be considered:

1. The scale of the development
2. Potential increases in traffic, emissions and noise.
3. EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than previous use, or the types of impact are of a markedly different nature, or there is a high level of contamination (not applicable to this site).
4. Developments proposed for site that have not previously been intensively developed are more likely to require EIA if:
 - a) The site area of the scheme is more than 5ha; or
 - b) It would provide a total of more than 10,000m² of new commercial floorspace; or
 - c) The development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

2.1.3 The site is previously developed and is proposed for redevelopment albeit almost all previous built form on the site has been demolished and removed. The site also benefits from extant consent for mixed use redevelopment comprising 3,039 sqm Gross Internal Area (GIA) retail uses (Use Class A1/ A2), 1,895 sqm GIA restaurant use (Use Class A3), 1,049 GIA sqm cinema (Use Class D2) and 108 dwellings (17/02262/FULL).

2.1.4 The proposed development is not of a significantly greater scale than the extant permission (1) and will not result in increases in traffic, emissions or noise or in markedly different impacts (2). Matters relating to the contamination status of the site were quantified pursuant to the discharge of Condition 6 of the extant consent. The ground investigation in that regard identified that the risk resultant from land contamination arising from the site was low and that no remediation was required. These points are addressed in further detail in turn below under the relevant headings.

- 2.1.5 It is worth noting that even if the site had not been previously intensively developed or did not benefit from extant consent, in respect of 4(a) the site area is less than 5ha, 4(b) the commercial floorspace proposed is significantly less than 10,000m² and the proposed development will comprise approximately 165 dwellings which is well below the 1,000-dwelling threshold in point 4(c).
- 2.1.1 It should be noted in the consideration of the potential for significant environmental effects to result from a proposed development that the 2017 EIA Regulations in recognition of the Court of Appeals decision in [Loader] 2012 EWCA Civ 869 allows mitigation measures that are modest in scope and/or plainly and easily achievable to be taken into account by the local planning authority during screening.
- 2.1.2 The potential for significant effects to result from the proposed development is discussed under the relevant headings below.

Traffic and transport

- 2.1.3 The IEMA *Guidelines for the Environmental Assessment of Road Traffic* sets out that highway links should be assessed where traffic flows will increase by more than 30% or in sensitive areas are affected by traffic increases of at least 10%. The environmental effects of road traffic can be considered negligible below these thresholds and not significant.
- 2.1.4 The Department for Transport (DfT) have a number of traffic counters located across the country which calculate the Annual Average Daily Flow (AADF) on monitored roads. There are two traffic count points in proximity to the site; one on Mount Pleasant Road and one on Church Rd in immediate proximity to the site (Count point ID: 36290 and 28325). These record AADF's of 8,480 and 11,064 respectively in 2019.
- 2.1.5 It is not expected that daily traffic movements will exceed 10% of daily flows on the local road network. Whilst precise daily vehicle numbers resulting from the proposed development are not yet finalised, total traffic numbers are currently estimated to be in the order of a 110 AADF uplift, equivalent to approximately 1% of 2019 flow levels on Mount Pleasant Road. This level of flow is also substantially lower than that set out and assessed in the 2017 consent for the site (17/02262/FULL).
- 2.1.6 Likely significant effects are therefore considered unlikely on this basis and highways matters can be dealt with through normal planning practice. A full Transport Assessment will nonetheless be submitted in support of the application.

Air quality

- 2.1.7 The key pollutants affecting human health are nitrogen dioxide (NO₂) and particulate matter of less than 10 microns (PM₁₀). The UK objectives for NO₂ are 200 µg m⁻³ hourly mean (not to be exceeded more than 18 times a year) and 40 µg m⁻³ annual mean concentrations and for PM₁₀ are: 50 µg m⁻³ 24 hourly mean (not to be exceeded more than 35 times a year) and 40µgm⁻³ annual mean concentrations.

2.1.8 The proposed development has the potential to give rise to changes in air quality at sensitive receptors in the vicinity of the site through fugitive dust emissions associated with site preparation and construction work, and through emissions to air from post-construction traffic associated with the development.

2.1.9 Standard and proven mitigation measures designed to control dust nuisance effects and emissions during construction, consistent with the level of risk are recommended in the IAQM 'Guidance on the assessment of dust from demolition and construction'. Subject to implementation of these mitigation measures no significant effects are likely to occur.

2.1.10 An air quality assessment was produced by RPS and submitted in support of the extant permission in 2017. Whilst now several years old the report concluded:

"In terms of traffic, arrivals at and departures from the Proposed Development may change the number, type and speed of vehicles using the local road network. Changes in road vehicle emissions are therefore also an important consideration during this phase of the development.

Detailed atmospheric dispersion modelling has been undertaken for the first year in which the development is expected to be fully operational, 2019. Pollutant concentrations are predicted to be well within the relevant health-based air quality objectives at the facades of both existing and proposed receptors. Therefore, air quality is acceptable at the development site, making it suitable for its proposed uses. The operational impact of the Proposed Development on existing receptors is predicted to be "negligible" taking into account the changes in pollutant concentrations and absolute levels. Using the significance criteria adopted for this assessment together with professional judgement, the operational air quality effects are considered to be 'not significant' overall. No mitigation is therefore required for the operational phase.

It is understood that the opening year for the proposed development may be 2021, rather than 2019 as used in the modelling for this assessment. With the expected decrease in emissions over time, the results of the modelling undertaken in this assessment can be considered conservative."

2.1.11 The assessment included consideration of emissions from gas fired boilers which similarly concluded negligible effect.

2.1.12 On the basis that the now proposed development is unlikely to exceed the predicted traffic movements identified in the extant consent and given the conclusions of the 2017 assessment no significant effects as a result of the proposed development on air quality are considered likely to occur and therefore EIA is not necessitated on this basis.

Noise and vibration

2.1.13 The perception of sound level is subjective, but as a general guide a 10dB(A) increase can be taken to represent a doubling of loudness, whilst a change in the order of 3dB(A) is generally considered to be just perceptible. Guidelines for the Environmental Assessment of Road Traffic (1993) state that: "typically, a halving or doubling of flow produces a 3dB(A) change in noise level." Given the nature

and integrity of the surrounding road network no significant effects associated with road traffic generated by the proposed development are therefore likely.

- 2.1.14 There is the potential for construction activities to generate noise emissions, but standard and proven construction methodologies are available to minimise these temporary effects e.g. BS 5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites. There will be no night time working permitted and no working on Sundays. No significant construction noise effects are therefore envisaged.
- 2.1.15 In respect of the noise environment for future residents, a noise assessment was completed by RPS in support of the extant consent. This looked at existing noise levels at the site which was dominated by road traffic and vibration resultant from the railway tunnel which runs beneath the site.
- 2.1.16 The report concluded that subject to appropriate specification for the façade/glazing of the then proposed buildings that appropriate noise levels within the building for future residents could be achieved. In respect railway tunnel the report concluded that vibration levels would not exceed a level at which an adverse impact would occur.
- 2.1.17 It can therefore be concluded that subject to implementation of the mitigation measures set out above that the proposed development will not result in significant adverse effects on the noise environment.

Townscape and Visual Impact

- 2.1.18 The site lies within the town centre of Tunbridge Wells and within the defined Conservation Area. The site at present exists as a previously developed site with extant permission for residential and commercial redevelopment in the form of tall buildings.
- 2.1.19 A Townscape and Visual Impact Assessment was submitted to accompany the planning application for the extant consent for the site. Whilst it is acknowledged that this relates to a different scheme, it demonstrates that redevelopment of the site can be achieved in an acceptable manner that does not result in significant adverse effects on the existing townscape character and key views. The previous TVIA concluded that effects ranging from major to moderate beneficial to minor / negligible and neutral would result. It is noted that the conclusions of this report were largely supported by the Councils' Urban Design Officer and Landscape Officer.
- 2.1.20 Whilst the design of the proposed development will differ from the extant consent it will be broadly similar in respect of building heights, scale and mass. It is therefore concluded that a scheme that does not result in significant adverse effects on townscape or key views can be achieved through good design of the proposed development. Significant adverse effects are therefore considered unlikely to result from the proposed development subject to an appropriate design controlled through the normal planning process without necessitating EIA.
- 2.1.21 A full Townscape and Visual Impact Assessment (TVIA) will be undertaken and is to be submitted to accompany the planning application.

Cultural Heritage

- 2.1.22 The remains of two grade II listed 18th Century Lamp Supports lie within the red line at the junction of Lonsdale Gardens and Mount Pleasant Road. Opposite the site exists a grade II listed building comprising 82 Mount Pleasant Road, grade II listed Town Hall, grade II The Priory and north west of the site grade II* listed Holy Trinity Church. The Site falls wholly within the Tunbridge Wells Conservation Area.
- 2.1.23 A Heritage Statement prepared by RPS was submitted in support of the extant permission and the application was subject to consultation with the Council's Conservation Officer and Historic England. It was acknowledged that in its current form the site has created an area which now detracts from the special character and appearance of the conservation area. It has left a weak area of leaked space and exposed elevations of buildings to the west and south which were not meant to be prominent elevations.
- 2.1.24 Whilst the Conservation Officer and Historic England identified that some harm would result in respect of the historic environment and the Conservation Area including the setting of grade II* Holy Trinity Church from the extant consent, it was acknowledged that such harm would be less than substantial harm in NPPF terms. This is not considered 'significant' for the purposes of the EIA Regulations.
- 2.1.25 Whilst the design of the proposed development will differ from the extant consent it will be broadly similar in respect of building heights, scale and mass. It is therefore concluded that a scheme that does not result in significant adverse effects on the historic environment can be achieved through good design of the proposed development. Significant adverse effects are therefore considered unlikely to result from the proposed development subject to an appropriate design controlled through the normal planning process without necessitating EIA.
- 2.1.26 In respect of archaeology, the site consists of previously made ground having been previously developed indicating that the archaeological resource of the site if present, is likely to have already been removed or destroyed. The likelihood of a significant archaeological resource being present on the site is therefore unlikely.

Biodiversity

- 2.1.27 The site comprises in the majority areas of bare ground with recolonising vegetation, surrounded by solid hoard fencing and set within an urban town centre context.
- 2.1.28 The ecological value of the site is therefore expected to be minimal and the potential for it to support protected species also limited.
- 2.1.29 Notwithstanding this, standard and proven best practice mitigation measures will be used during construction to meet the legal tests of the relevant legislation (The Conservation of Habitats and Species Regulations 2017, as amended, and The Wildlife and Countryside Act 1981, as amended), reducing the significance and likelihood of effects on protected habitats and species.
- 2.1.30 There are no national or international sites designated for their nature conservation interest within proximity of the site.

- 2.1.31 No significant biodiversity related effects are therefore envisaged to result from the proposed development.

Water environment

- 2.1.32 The Environment Agency (EA) online flood-mapping tool shows the site to be in flood zone 1 (at low risk from flooding). However, as site is in excess of 1ha, a Flood Risk Assessment has been submitted in support of the planning application.
- 2.1.33 The proposed development will include a surface water management scheme which will accord with the various guidance and requirements of the Lead Local Flood Authority (LLFA) as the statutory consultee on surface water management for new proposals. A contemporary surface water management scheme both treats and attenuates surface water runoff, avoiding an impact on both the quality and quantity of the receiving water environment and will ensure the proposed development will not affect the water storage volume of the site or run off rates.
- 2.1.34 Ground investigation pursuant to the extant consent identified that surface water infiltration and the use of open SuDS on the site is not feasible. Surface water will therefore be attenuated and discharged at reduced run-off rates to the existing surface water sewer network.
- 2.1.35 Water quality in terms of both surface and groundwater will be safeguarded during construction through the use of standard and proven mitigation measures such as bunds and temporary attenuation to be incorporated within a Construction Environmental Management Plan (CEMP).
- 2.1.36 The risk of the proposed development resulting in significant effects on the water environment is therefore considered to be low and can be dealt with through the normal planning process without necessitating EIA.

Contaminated Land

- 2.1.37 Matters relating to the contamination status of the site were quantified pursuant to the discharge of Condition 6 of the extant consent. The ground investigation in that regard identified that the risk resultant from land contamination arising from the site was low and that no remediation was required.
- 2.1.38 It is therefore considered subject to standard industry procedures and appropriately worded conditions attached to any forthcoming permission that no likely significant effects on the environment are likely to occur.

Human Health

- 2.1.39 The potentially significant health impacts of the proposed development are considered to be air quality effects and noise. As identified in this report no likely significant effects on air quality and noise are anticipated. No likely significant human health effects are also therefore envisaged.

Climate Change

- 2.1.40 The proposed development is not of a scale or type considered to result in significant CO₂ or other greenhouse gas emissions, which would compromise national or regional carbon budgets. Energy efficiency and greenhouse gas emissions levels are set at a national level by the Government for residential development in part L of the 2016 Building Regulations. The proposed development will be built in accordance with building standards and will seek to exceed these requirements where feasible/viable in accordance with the policies of the Local Plan.
- 2.1.41 The nature and type of development proposed does not suggest it will be particularly vulnerable to the predicted effects of climate except by virtue of potential surface water flooding and overheating. Overheating is a standard design consideration that can be dealt with as part of standard architectural practice.
- 2.1.42 With regard to surface water flood risk and run off, all drainage solutions are required to make a 40% allowance for climate change in accordance with Environment Agency Guidance.
- 2.1.43 No significant climate change related effects are therefore envisaged.

Daylight and Sunlight

- 2.1.44 Matters relating to daylight and sunlight are principally matters of amenity controlled by means of appropriate design and standard reporting through the normal planning process. No likely significant effects for the purposes of EIA are therefore considered likely to result from the proposed development.
- 2.1.45 A standalone Daylight and Sunlight Assessment will be submitted in support of the application.

Major Accidents and Disasters

- 2.1.46 The nature of the development and its location indicate that it is not likely to result in accidents or disasters that would result in significant environmental effects or is vulnerable to accidents and disasters from neighbouring land uses.
- 2.1.47 A technical Engineering Report was submitted as part of the extant consent demonstrating how building on the site can be accommodated without presenting risk to or from the railway tunnel beneath the site. Significant adverse effects in this regard are therefore considered unlikely.
- 2.1.48 It is noted that the proposed development does not fall within the scope of EU legislation 2012/18/EU (control of major-accident hazards involving dangerous substances) or Council Directive 2009/71/Euratom (Community framework for the nuclear safety of nuclear installations) as identified in Schedule 4 of the EIA Regulations.

Cumulative effects

- 2.1.49 The principal aspects of the proposed development from which significant cumulative effects could result are considered to relate to its mass and height and resultant impacts on townscape, visual impact, heritage assets and the Conservation Area.
- 2.1.50 Significant cumulative effects would primarily result by consequence of other potential large scale/tall buildings proposals with the zone of influence of the site locality, which could in combination resultant in a significant adverse cumulative effect. Albeit these schemes would have to be acceptable in their own right in impact terms thereby reducing the potential for significant effects.
- 2.1.51 An examination of TWBC's online planning register has not identified any applications for large scale/tall buildings in proximity to the proposed site. TWBC's Emerging Local Plan talks about repurposing the existing civic complex (including the Town Hall, Assembly Hall Theatre and Police Station) but does not allocate them in this regard nor provide any certainty on timescales and cannot therefore be considered for the purpose of cumulative effects at this time. Any cumulative effect would therefore be addressed as part of any future application for the civic complex at such a time an application in that regard comes forward.
- 2.1.52 It is therefore considered that significant cumulative effects resulting from the proposed development in combination with other proposed or permitted development (known at the time of writing) is unlikely to occur.

3 Conclusion

3.1 Requirement for EIA

3.1.1 This report has been prepared on behalf of RV Developments Tunbridge Wells Ltd as a formal request to Tunbridge Wells Borough Council (TWBC) for an opinion as to whether the development of a care facility together with associated facilities, in addition to high street commercial floor space with associated access, landscaping and other works on the former ABC Cinema Site, Tunbridge Wells constitutes a project requiring Environmental Impact Assessment (EIA) in accordance with Regulation 5(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 .

3.1.2 This review has worked through the screening process and concluded that:

- The development is not a Schedule 1 development;
- The development is of a type described in Schedule 2;
- The development site is not within a sensitive area;
- The development is above the applicable threshold and is therefore Schedule 2 development;
- The development is not considered likely to have significant environmental effects;
- The development is not an EIA development.

3.1.3 While the decision will rest with Tunbridge Wells Borough Council, this screening request concludes that the proposed development does not require EIA, as it is not considered likely to result in significant environmental effects.

3.2 Timescale

3.2.1 In accordance with Regulation 6(6), the Authority must adopt its Screening Opinion within three weeks of receipt of this request, unless a longer period has been agreed in writing. We look forward to receiving the adopted Screening Opinion within this timescale.

3.2.2 Regulation 5(5) states that all Screening Opinions, including those which indicate that EIA is not required, must:

- State the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3;
- If it is determined that the proposed development is not EIA, 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

- Send a copy of the opinion or direction to the person who proposes to carry out the development in question.