



Ryedale District Council

REPORT TO: POLICY & RESOURCES COMMITTEE

DATE: 2 August 2007

REPORTING OFFICER: Chief Executive
Janet Waggott

SUBJECT: Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999

1.0 PURPOSE OF REPORT

To consider a request from an Elected Member for an Environmental Impact Assessment for the proposed Community Sports Centre at Malton Comprehensive School.

2.0 RECOMMENDATIONS

- a. That if the project for the proposed Community Sports Centre at Malton Comprehensive School proceeds the brief of the architect will include a provision that the relevant building elements be designed to meet, as far as is practicable, the highest Building Research Establishment Environmental Assessment Method (BREEAM) standards or any equivalent standard.
- b. That the Environmental Impact Assessment be conducted for the proposed Community Sports Centre at Malton Comprehensive School for the purposes of the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 only if required under those regulations.

3.0 BACKGROUND

Members may recall that the Extraordinary Council Meeting on 29 March 2007 debated the issue of the provision of a proposed Community Sports Centre at Malton Comprehensive School.

During the debate the following issues were raised verbally

- (a) "Some guidance on the relevance of the European court judgment in relation to the London Borough of Bromley and Barker on the White City development";
- (b) The following amendment was proposed

“The Council carries out a full Environmental Impact Assessment before proceeding any further. This to be submitted to the planning committee from the applicant.

Members may recall that the report to the Policy & Resources Committee meeting on 28 June 2007 dealt with the issue of the relevance of the Barker decision and the fact that the proposed Community Sports Centre at Malton Comprehensive School was not development requiring an environmental impact assessment for the purposes of the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. The report was deferred.

4.0 REPORT

The matter of Environmental Impact Assessment (EIA) has been raised in relation to the proposed dry sports centre development. A formal EIA usually consists of the following sections:

1. Description of the project, including component breakdown and all sources of environmental disturbance.
2. Alternatives that have been considered to, and within the project,
3. Description of the environment, and all environmental aspects that may be affected.
4. Description of the significant effects on the environment. 'Significant' needs to be defined as this can vary. Can be done using weighting and bias methods such as the Leopold matrix.
5. Mitigation. Most important section, once the significant effects are established the mitigation measures should be obvious.
6. Non-technical summary.
7. Technical difficulties, weakness of knowledge about any project area.

It is highly unlikely that a formal EIA would be a requirement for the proposed sports centre, although some members have indicated on a number of occasions in the past that a more informal environmental assessment is desirable for a range of policy decisions including this kind of development.

Additionally, local authorities are increasingly expected to take account of the environmental impact of their operations, and as such, Ryedale District Council should be at the forefront of sustainable development. Other relevant factors to consider are the Council's existing targets in relation to CO₂ within the corporate plan, the Council's Local Area Agreement, and forthcoming national performance indicators, all relating to operational CO₂ emissions, within which any new building would fall.

No construction project is undertaken without environmental impacts. However, in this case it is considered that a formal EIA would not be an effective mitigation either in terms of impacts or cost. The overriding priority should be that any new building Ryedale District Council commissions should be built to the highest possible environmental standards, for a variety of sound reasons. The framework for assessing this is the BREEAM (Building Research Establishment Environmental

Assessment Method) rating, reflecting the construction, design and operation of the building.

Details of the BREEAM assessment method can be found at www.breeam.org

There is no formal BREEAM assessment in existence for sports centres, however the BREEAM assessment is split into areas such as management, energy use, pollution, transport, and through contractual clauses any of these could be applied to a new sports centre building in a way that would be easily recognisable to architects and construction companies. This also means that there are no formal assessment costs involved.

Specific concerns directed at the proposed centre must be balanced with uncertainty with regard to usage patterns etc. New buildings of any sort will have associated detrimental impacts within this method, such as transport, resource use. By setting the standard for new buildings high and going well beyond building regulations, these are minimised. Overall transport emissions associated with visiting new facilities such as sports centres are extremely difficult to accurately assess before or after construction. This is largely because of the substitution effect from other activities or locations. Surveys such as those used in the initial sports centre assessment are of limited value in this respect because of the sometimes incomplete or inaccurate nature of most responses. However intuition and common sense, taking into account the lack of this type of facility locally (assumed correct if the building is justified), leads to the conclusion that people currently drive further, to e.g. York, Pickering, Swinton, in order to access the same facilities. As such the overall result should be a net reduction in emissions, especially when considering the good potential for a high proportion of local pedestrian traffic to and from the facility. This should obviously be backed up with specific encouragement and provision of public transport and walking / cycling facilities as part of the design, and this should be addressed within, and having specific regard to, the transport section of the BREEAM method. If this overall approach is the desired option a major issue needs to be addressed as soon as possible. To achieve the highest equivalent ratings under BREEAM for the proposed sports centre requires an abandonment or modification of traditional construction methods and design specifications in relation to the building fabric. This can be easily achieved within the standard range of quantity surveying area rates for this type of building, but the goals must be central to the design specification from the outset. Unfortunately most architects are still unaware or unwilling to adopt this approach, and as such, many 'sustainable' buildings are completed over and above standard costs because the sustainable elements were either an afterthought, or were ineffectively integrated into existing construction methodologies. Therefore it is important that the architect chosen for at least the detailed design work is a specialist in this area.

It is considered that the most effective means of ensuring that any building meets BREEAM or equivalent standards is to require the brief of the architect to include strict and defined provision that the building be designed to meet, as far as is practicable, the required BREEAM standards or any equivalent standard.

5.0 OPTIONS

(1) Commissioning an Environmental Impact Assessment

The options are:

- (a) Commission an environmental impact assessment;
- (b) Decline to commission an environmental impact assessment.

(2) Require the brief of the architect to include detailed provision that the building be designed to meet, as far as is practicable, BREEAM standards or any equivalent standard, and that this be integrated into the ongoing procurement process as soon as possible.

6.0 RESULT OF OPTION APPRAISAL

The recommended course of action is that the Council ensure the engagement of a suitably experienced architect so that the relevant building elements are designed to meet, as far as is practicable, the highest possible BREEAM standards or any equivalent standard.

7.0 FINANCIAL IMPLICATIONS

Commissioning an Environmental Impact Assessment in the absence of a legal requirement to do so

The financial implications of commissioning a full environmental impact assessment when there is no legal requirement to do so are likely to be significant.

Incurring substantial expenditure on an environmental impact assessment when there is no legal requirement to do so in the case of a comparatively modest scale of development may be considered to be a disproportionate and unnecessary step to take.

Building be designed to meet, as far as is practicable, BREEAM standards

Communication with specialist architects has confirmed that when taken into account from the outset, the process described above to ensure the sustainable design of this type of building will not impact on the quantity surveyors area estimates. Ongoing revenue savings arising from reduced running costs imply a net positive financial effect.

8.0 LEGAL IMPLICATIONS

The recommendation does not give rise to significant legal issues.

9.0 CONCLUSION

The recommendations in this report are considered to be appropriate based on the issues raised in this report.

Background Papers:

DETR Circular 02/99 – Environmental Impact Assessment.

OFFICER CONTACT:

Please contact Janet Waggott, Chief Executive, if you require any further information on the contents of this Report. The Officer can be contacted at Ryedale House, Telephone 01653 600666 ext. 200 or e-mail: janet.waggott@ryedale.gov.uk
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Policy Context	Impact Assessment	Impact +ve -ve Neutral
Community Plan Themes <i>(Identify any/all that apply)</i>		
Corporate Objectives/Priorities <i>(Identify any/all that apply)</i>		
Service Priorities		
Financial		
Procurement Policies		
Asset Management Policies		
LA21 & Environment Charter		
Community Safety		
Equalities		
E-Government		
Risk Assessment	Included in report	
Estimated Timescale for achievement		