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**Our ref NPCU/ Z4310/ 68607**  
**Your ref SBH1-010/SR/AC**

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**Date:** 17 June 2011

Dear Mr Buxton

**TOWN AND COUNTRY PLANNING ACT (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999  
REQUEST FOR A SCREENING DIRECTION UNDER REGULATION 4(7)  
FOR DEMOLITION OF 271 2 STOREY DWELLINGS IN AREA KNOWN AS  
WELSH STREETS, TOXTETH, LIVERPOOL 8**

1. I refer to your request dated 11 April, made pursuant to regulation 4(7) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999/293) ("the 1999 Regulations"), for the Secretary of State's screening direction on the matter of whether or not the demolition of 271 dwellings in the area known as Welsh Streets, Toxteth is 'EIA development' within the meaning of the 1999 Regulations.

2. By letter dated 21 April notification was given that the information initially submitted was insufficient to enable the Secretary of State to give a screening direction. Further information was provided by Liverpool City Council on 26 April, the applicant on 16 May and 20 May and the Environment Agency by email on 12 May.

3. The proposal, namely the demolition of 271, 2 storey dwellings at the Welsh Streets, Liverpool 8, falls within the description at paragraph 10 b of schedule 2 and exceeds the threshold of 0.5 hectares in column 2 of the table in Schedule 2 to the 1999 Regulations. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 1999 Regulations. Accordingly, the Secretary of State has considered if the proposed demolition is likely to have significant effects on the

environment. In determining such effects, the Secretary of State has taken in account the criteria for screening Schedule 2 development set out in Schedule 3 of the Regulations. These are the characteristics of the development; its location and the characteristics of the potential impact.

### **Secretary of State's formal decision**

4. For the reasons outlined below and in exercise of the powers conferred on him by regulation 4(7) of the 1999 Regulations, the Secretary of State hereby directs that the development described in your letter and the information subsequently provided by Liverpool City Council is 'EIA development' within the meaning of the 1999 Regulations. This letter constitutes the statement required by regulation 4(6)(i) of the Regulations. Any permitted development rights which your the proposals may enjoy under the Town and Country Planning (General Permitted Development) Order 1995 (SI 418) are therefore withdrawn.

### **Reasons for the Decision**

#### **Characteristics of the Development**

5. The proposal is for the demolition of 271, 2 storey dwellings and the finishing of the site with geotextile membrane and topsoil, grass seeding and enclosure with fencing. The site has been previously used for residential development and open space. The north eastern area of the site was used in the past as a tannery. The Secretary of State has considered the Prior Approval Committee Report and associated supporting documents including, Inspection and Assessment in relation to Bats, Statement in Support of the Planning Application, Interpretive Site Investigation Report (Mouchelparkman 2007), Demolition Asbestos Survey Report ( WSP 2010) and Welsh Streets, Development Site Area, Desk Study Report (Mouchel 2010), Mouchel letter 28 January re Capping Thickness and sampling and additional information in relation to the assessment of 9 Madryn Streets by English Heritage (letter dated 21 December 2010), consultation response from the Environment Agency and additional clarification from the applicant in relation to removal of contaminated land.

6. The likely period of the demolition is 4 months. The demolition proposal forms most of phase 1 and 2 of a 3 phase demolition programme, with no firm proposals and certainty about the latter phase available at this time. The cumulative impacts have been considered in as much as is practicable to do so at this time given the available information.

7. It is noted that the demolition process will create waste including hazardous waste from asbestos containing materials. A survey of properties indicated the presence of asbestos containing materials and detailed specific control measures for removal and disposal have been identified. The north eastern area of the site formerly occupied by the tannery has been surveyed for contamination (the survey probe holes were restricted to open space and yard areas). The nature of contamination below the properties in this area of the site is unknown. The survey work on yards and open spaces identified a range of contaminants and the information before the Secretary of State indicates that in order to protect future open space users of the site an interim capping solution

is proposed including a geotextile membrane and 200mm of clean topsoil. Whilst the full remediation and removal of the contamination within the site would be the responsibility of a future developer, the Council have accepted that imposition of the interim capping solution will mitigate the short and long term human health risk from inhalation, ingestion and direct contact for potential open space site users. However, the implementation of the capping solution could in itself necessitate some disturbance and removal of made and natural ground beneath and adjacent to properties in the north eastern part of the site. The disturbance of contaminated material could lead to significant environmental effects in relation to both pollution and risk of accidents particularly given the proximity of residential uses. Control measures set out in the Statement in Support of the Planning Application do not adequately address the specific risks associated with the disturbance and removal of contaminated land, including land not currently surveyed. In addition there is no indication of how waste material from the north eastern part of the site would be tested for contamination, stored and disposed of safely. In view of the above matters it is considered that in relation to the disturbance of contaminated land and its implications for waste disposal, pollution and risk of accidents it can be concluded that the proposal is likely to give rise to significant environmental effects.

### **Location of the Development**

8. The site is not located within or adjacent to a designated sensitive area defined in regulation 2(1) of the 1999 Regulations. There are residential properties within the area of the demolition and a primary school, shops and business in the surrounding adjacent streets.

9. The site has limited value in relation to nature conservation and the demolition proposal is unlikely to have any significant impact on designated sites of nature conservation importance. The only potential protected species on the site are bat species. A survey and inspection has been carried out which concluded the potential on the site for maternity roosts and Pipistrelle bats was low given the condition of buildings and habitat on the site, but there was the possibility of bat roost potential for occasional purposes and male bats. Typical opportunities for bats on the site have been identified in a photo survey, the applicants consultants conclude that normally dusk/dawn surveys would be recommended where opportunities have been identified but that these surveys had not been carried out due to unacceptable risk to surveyors. Given the identification of opportunities for bats and in the absence of a dawn/dusk survey, the Secretary of State has concluded that the proposal is likely to give rise to significant environmental effects in relation to bats.

### **Characteristics of Potential Impact**

10. The demolition site covers 3.53 hectares, the impacts are likely to be localised within and adjacent to the site, the area is densely populated with 19 properties remaining occupied within the area of demolitions. There are a variety of surrounding uses including a primary school, shops and business. The demolition process will take approximately 4 months. Given the nature and location of the demolition proposal and the proximity of residential and other uses, the likely significant effects in relation to the disturbance, removal and

disposal of contaminated land and likely impact of the demolition on bat species, the Secretary of State considers that these effects should be assessed as part of an environmental statement.

11. Any application for planning permission for this development must be accompanied by an Environmental Statement. Under regulation 2(1) of the 1999 Regulations, an Environmental Statement must contain, for the purpose of assessing the likely impact of on the environment, the information specified in that regulation.

12. You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

13 A copy of this letter has been sent to Liverpool City Council.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Sara Lewis', written over a horizontal line.

Sara Lewis  
Senior Policy Officer  
(with the authority of the Secretary of State )