

## CONTENTS

Introduction .....	5-1
'No Development' Alternative.....	5-1
Alternative Sites.....	5-2



## INTRODUCTION

- 5.1 Schedule 4, Parts 1 (2) and 2 (4) of the EIA Regulations states that an ES should include:

*“An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effect”*

- 5.2 The EIA Regulations do not expressly require the Applicant to study alternatives; however the nature of certain developments and their location may make the consideration of alternative sites a material consideration. Moreover, recent case law indicates that the EIA regulations do not require an assessment of alternatives. From the Arsenal Football Case it was noted:

*“What needs to be covered in the Environmental Statement are the alternatives which the developer has considered. The Regulations do not require alternatives which have not been considered by the developer to be covered, even though the local planning authority might consider that they ought to have been considered”*

- 5.3 Further to this, the Inspector presiding over the “Ince Marshes” appeal comments at paragraph 11.9 of his report:

*“I also do not accept that there is a requirement under the Environmental Impact Assessment regulations that the proponents of these schemes should have presented a fuller assessment of alternative sites within the Environmental Statement. The question of whether that is required by planning policy is a matter that will be looked at later within this report but there is no express requirement in the Directive and the Regulations that a developer study alternative sites. Paragraph 2 of Part 1 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 requires the developer to include in the Environmental Statement an outline of the main alternatives studied and an indication of the main reasons for his choice”*

- 5.4 The following sections describe the main alternatives to the proposed Development. In accordance with best practice guidance, consideration has also been given to, and commentary is provided, to provide an outline of any alternatives or options considered by the applicant:

- The ‘No Development’ alternative; and
- Alternative Sites.

## ‘NO DEVELOPMENT’ ALTERNATIVE

- 5.5 Guidance on the preparation of ESs, suggests that it is good practice to consider the evolution of a site in the absence of specific proposals, *i.e.* the ‘do-nothing’ or ‘no development’ alternative.

- 5.6 The 'No Development' option in this case has two scenarios in that the current planning permission requires that mineral working ceases and the site is restored by the end of 2013 and there is currently a planning application under consideration for extending the period of mineral working until the end of 2015. With regard to the development proposals being considered in this ES (mineral working and inert infill) this date would extend to the end of 2018. The 'No Development' option therefore has two potential end dates for mineral extraction and restoration of the end of 2013 or the end of 2015, rather than the now proposed date of the end of 2018
- 5.7 The implications of the 'No Development' option are summarised below:
- mineral that could otherwise be extracted could be sterilised and the County would continue to be unable to demonstrate a seven year landbank for aggregates;
  - the opportunity to meet the identified need for inert waste recovery capacity for the restoration of mineral workings in the County would be lost;
  - the opportunity would be lost to provide an improved restoration scheme for the site; and
  - the identified job opportunities as a result of the proposed development would not be created.
- 5.8 The assessments undertaken for this ES demonstrate that subject to mitigation no significant effects on the environment are likely as a result of the proposed development. In addition longer term benefits to the landscape and ecology as a result of the revised restoration landform have been identified.
- 5.9 No environmental reasons have therefore been identified as to why the proposed development should not proceed and the potential mineral sterilisation and loss of inert voidspace implications of the 'No Development' option are not preferred.

### ALTERNATIVE SITES

- 5.10 No alternative sites have been considered as part of the preparation of the ES for the following reasons:
- The proposed development is seeking to avoid the sterilisation of mineral reserves at this site; and
  - The proposed development is seeking to improve and enhance the approved restoration scheme at this site.
- 5.11 The proposed development is therefore seeking to deliver matters that can only be achieved at this site and therefore the consideration of alternative sites is not necessary.