Key Issues –

An ES and Addendum ES were submitted with the planning application in May 2015. Following the grant of planning permission, a site specific construction methodology was produced which identified the need to undertake night-time construction work. Night-time construction work was not permitted under the terms of the planning permission, nor were the effects of it assessed in the ES or Addendum ES. A Variation of Condition application was submitted to allow for night-time construction work to take place. In order to facilitate safe night-time working, enhanced lighting was required both with and around the perimeter of the site. It also resulted in noise generated from a variety of demolition and construction activities. The night-time construction activity resulted in the potential for additional or amended environmental effects requiring consideration in respect of townscape, heritage, ecology and noise during the construction phase. These effects were included within a further Addendum ES which was submitted with the Variation of Condition application.

Purpose of the project

The purpose of the project was to secure detailed planning permission for a mixed use scheme in Durham City Centre.

Planning permission was granted for the project on 19th November 2015 and was subject to a total of 23 planning conditions.

Description of the project

Redevelopment of The Gates shopping centre for a mix of retail/restaurant uses, a multiplex cinema and student residential units (total 253 beds) and associated works and landscaping. The site is located along the western bank of the River Wear in the centre of Durham City and adjacent to the Milburngate Bridge and within 0.5km of the UNESCO World Heritage site and Durham Castle and Cathedral, as well as listed buildings within and adjacent to the site.
Lessons learnt

The construction contractor was not appointed when the ES was formally scoped with the Council and the EIA team did not foresee that there would be a need to undertake nighttime working. This is perhaps somewhat common practice. Construction methodology sections of ES’s are relatively detailed but generic and perhaps do not give enough consideration to site specific matters. Given the sensitivities of the site, this case study identifies the importance and relevance of trying to gain more contractor input during the preparation of an ES and even if a contractor is not appointed, the role which a ‘critical friend’ contractor could play in defining the parameters to be assessed and reducing the need for further environmental assessment work to be undertaken post consent. In turn this would reduce the scope for delay and additional costs.

The environmental assessment undertaken for the night-time working identified the need to introduce additional mitigation measures which then needed to be secured by way of planning condition on the Variation of Condition consent.

Lessons learnt cont. –

These mitigation measures included the implementation of a Noise Action Plan to mitigate noise impacts on nearby residential receptors. The construction contractor, while experienced in working within close proximity to residents, had limited experience of working adjacent to a WHS and a bat commuting corridor (the River Wear). The EIA team therefore had to liaise closely with the construction contractor to explain the sensitivities of the site and the effects arising. Once the effects were better understood by the contractor, the EIA team and contractor were able to devise appropriate mitigation measures and site practices to ensure that effects were minimised as far as possible. As a result of this collaborative working, a site specific temporary lighting strategy was proposed. The EIA team would not have been aware of these measures without the valued input of the contractor. Again this demonstrates the valuable role which the contractor can play in the EIA process.

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