

**Colin Haigh
Head of Planning**

Mr Tayls Nikan
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Reply To: address as below
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Date: 27 November 2020

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017**

Dear Mr Nikan,

Application Reference: 6/2020/2248/OUTLINE

Proposal: Outline permission for the erection of up to 100 dwellings, with all matters reserved except access

Location: Roundhouse Farm, Land Off of Bullens Green Lane, Colney Heath

I am writing further to your recent planning application. Under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations") the Council has undertaken a formal Screening Opinion for the above development proposal.

"Screening" is a procedure used to determine whether a proposed development is likely to have significant effects on the environment. The purpose of this screening is to establish whether the proposal is EIA Development for which any planning application would need to be accompanied by an Environmental Statement (ES), in the form prescribed by the EIA Regulations.

The EIA Regulations define "EIA Development" as being development which is either "Schedule 1 development" or "Schedule 2 development likely to have significant effects on the environment by virtue of factors such as nature, size or location".

The proposed development is not contained within Schedule 1 of the EIA Regulations.

Under Schedule 2 of the EIA regulations, an urban development project needs to be screened by the local planning authority to determine whether significant environmental effects are likely and hence whether an assessment is required, if it exceeds the following thresholds or criteria:

- (i) The development includes more than 1 hectare of urban development which is not dwelling house development; or
- (ii) The development includes more than 150 dwellings; or
- (iii) The overall area of the development exceeds 5 hectares.

The proposal would not include more than 150 dwellings but the overall area of the development is 5.25 hectares. The proposal meets criteria (ii) and is Schedule 2 development. As such, the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required.

It is noted that the site does not fall within a “sensitive area” as defined in the Regulations.

When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the 2017 Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way. When the local planning authority issues its opinion they must state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3. Where it is determined that the proposed development is not Environmental Impact Assessment development, the authority must 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. Local planning authorities will need to consider carefully how such measures are secured. This will usually be through planning conditions or planning obligations, enforceable by the local planning authority which has powers to take direct action to ensure compliance.

The Planning Practice Guidance (PPG) sets out an indicative threshold, advising:

1. EIAs are unlikely to be required for the redevelopment of land unless:
 - i. the new development is on a significantly greater scale than the previous use, or
 - ii. the types of impact are of a markedly different nature or there is a high level of contamination.

2. Sites which have not previously been intensively developed:
 - i. area of the scheme is more than 5 hectares; or
 - ii. it would provide a total of more than 10,000 m² of new commercial floorspace; or
 - iii. the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

The key issues to consider in the case of urban development projects, as advised by the indicative screening thresholds, is the physical scale of such developments, potential increase in traffic, emissions and noise.

It should not however be presumed that developments above the indicative thresholds should always be subject to assessment. Each development will need to be considered on its merits.

Characteristics of development

The characteristics of development must be considered with particular regard to—

- a) the size and design of the whole development;
- b) cumulation with other existing development and/or approved development;
- c) the use of natural resources, in particular land, soil, water and biodiversity;
- d) the production of waste;
- e) pollution and nuisances;

- f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- g) the risks to human health (for example, due to water contamination or air pollution).

The application site has an overall area of 5.25 hectares and comprises agricultural arable land with hedgerow and trees along the boundaries. The agricultural land classification is sub-grade 3a “good quality agricultural land”. The site is abutted by residential properties on the north and north-west boundary. A road runs adjacent and parallel to the eastern and southern boundary with some other residential properties on the opposite side.

The development seeks outline planning permission for the erection of up to 100 dwellings, with all matters reserved except access. New open space for outdoor recreation is proposed to the north-west corner of the site.

There are no known, proposed or committed developments in the vicinity of the application site. Two large clusters of long established residential development exist in Colney Heath and the site is located in an open gap between them. The development would not be of a greater scale to these clusters of residential development in the immediate locality but would result in an extension to the existing residential built form within Colney Heath.

The site could be underlain with sand and gravel deposits but the minerals planning authority consider that the potential mineral resource are not significant. The sustainable use of potential resources and waste can be dealt with through a planning condition

In terms of air quality, the site does not fall within an air quality management area and overall having regard to the scale of the proposed development, it is unlikely that any release of pollutants or any hazardous, toxic or noxious substances to air would be significant.

The site is located within a Source Protection Zone and there is potential for contamination. Relevant consultees however consider that planning conditions can prevent any significant effects in this regard.

Location of development

The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—

- a) the existing and approved land use;
- b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - i. wetlands, riparian areas, river mouths;
 - ii. coastal zones and the marine environment;
 - iii. mountain and forest areas;
 - iv. nature reserves and parks;
 - v. European sites and other areas classified or protected under national legislation;
 - vi. areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - vii. densely populated areas;

viii. landscapes and sites of historical, cultural or archaeological significance.

The site is located in the Metropolitan Green Belt, Mimmshall Valley Landscape Character Area and Watling Chase Community Forest. Residential development can be seen adjacent to the site.

It is a broadly flat area of agricultural land and a minimal depression runs through the northern centre of the site. The site is within flood zone 1– low risk of fluvial flooding.

There is access to the site on the north-eastern corner on Bullens Green Lane, adjacent to residential properties, and there appears to be an informal access for machinery is taken close to the junction of Fellows Lane and Bullens Green Lane.

The site is not within an environmentally sensitive location as defined in the Regulations, nor is it identified as an area of archaeological significance on the Council's mapping system. A Grade II Listed building abuts the north-west boundary of the site. Tollgate Wood Wildlife Site is located nearby.

Types and characteristics of the potential impact

The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

- a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- b) the nature of the impact;
- c) the transboundary nature of the impact;
- d) the intensity and complexity of the impact;
- e) the probability of the impact;
- f) the expected onset, duration, frequency and reversibility of the impact;
- g) the cumulation of the impact with the impact of other existing and/or approved development;
- h) the possibility of effectively reducing the impact.

It is acknowledged that the development would be visible from the properties bordering and adjacent to the site, certain surrounding roads and the public footpaths that cross the site. The spatial extent of the impact however be localised and distant views are not significant. Mitigation measures set out in the Landscape and Visual Impact Assessment would also be implemented to reduce the visual effects of the development.

Having regard of the location and size of the site and the scale and nature of developments adjoining the development site, it is recognised in the short to medium term vehicular movements would be of mainly associated with construction activities. The daily traffic flow associated with the site construction traffic would be considered to be relatively low and a Construction Management Plan would be required to ensure construction vehicles would not have a significant and detrimental impact within the vicinity of the site.

Additional traffic would be generated by the proposed development but this would have limited impact over the wider area and would be concentrated on the local highway network in the vicinity of the site. It is recognised that the Highway Authority have raised a number of issues with the Transport Assessment submitted with the planning application. The issues however are a result of a lack of supporting information rather than the principle of the

development being unacceptable from a highway perspective. Junction modelling at the proposed site access, Fellowes Lane / Tollgate Road (T-junction) and; High Street / Roestock Lane / Tollgate Road / Coursers Road (roundabout) are required to demonstrate that junctions in the vicinity of the development would not be severely impacted by the development. Such assessment is not yet available and would be predicated on traffic counts yet to be undertaken. Notwithstanding this, given the scale of the development, together with the submitted Travel Plan, it is considered that the size or cumulative impact of the proposed development or the traffic likely to be generated would not be so significant to warrant an EIA in itself.

There would be near views of the site when passing along adjacent roads and from neighbouring properties. Part of the site would also be visible on approach from the south along Bullens Green Lane. There would be no widespread views given the presence of existing built-form and existing landscaping. Through appropriate design and mitigation measures at reserved matters stage, the impact of the cumulative development within the area upon the characteristic of the development site would not be significant.

The Council's Public Health & Protection Team, the Environment Agency, Affinity Water and Thames Water have been consulted for the planning application and recommend planning conditions to mitigate and control the impact of the development on soil, land and water. Having regard to these comments, together with the scale of the development, there would not be significant effects in this respect.

Considering the location of the site, its existing land use, Agricultural Land Classification report and Ecological Appraisal, the impact on the relative abundance, availability and quality of natural resources would not warrant an EIA.

There is potential for large amounts of waste to be generated during construction however a Waste Management can be secured in the event of a grant of planning permission. Furthermore, emissions to the atmosphere from the development would be suitably controlled under existing legislation and the risk of pollution, nuisances or accidents arising from the development is considered to be low.

As for noise nuisance, the site is currently not located within a high noise environment and due to the type and scale of development it would be unlikely to generate noise that would have a significant adverse impact upon the surrounding environment. Notwithstanding this, where necessary, measures can be implemented to ensure that acceptable noise levels prevail during the construction and subsequent occupation of the proposed development. These are matters that can be addressed through planning conditions.

The site falls within Flood Zone 1 so has less than 1 in 1000 (low risk) annual chance of flooding from rivers sources. The Lead Local Flood Authority have no objection in principle on flood risk grounds. Also, it is considered that the submitted SuDS features and mitigation measures are acceptable and can be effectively secured through planning conditions.

With respect to socio-economics full time jobs would be generated by the proposed development during the construction phase. In the short term, subject to the build out rate of the proposed development and cumulative development, there is potential for cumulative beneficial effects to occur with regards to the construction supply chain and short term employment. In the long term the development would contribute towards the housing need within the Borough. No potential cumulative effects are identified in relation to housing delivery. Notwithstanding this, where necessary, measures through planning conditions or monetary obligations would be sought to alleviate any pressure on the existing social

infrastructure. The impact of the proposed development with regards to socio-economics is therefore considered likely to be of negligible significance.

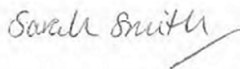
Conclusion

Taking into account the selection criteria set out in Schedule 3 of the EIA Regulations, insofar as they are relevant to the proposed urban development project, subject to the normal planning controls, would not be likely to have significant environmental effects because of the nature, scale and location of the development. Accordingly the proposed development is not considered to be EIA Development and does not require full environmental assessment.

For the avoidance of doubt, this opinion should not be construed as the Council's agreement with any statements relating to aspects of the proposal that fall to be considered as part of a formal planning application process.

Should you require any clarification regarding the contents of this letter, please do not hesitate in contacting the case officer on the above number and I will be pleased to advise you further.

Yours sincerely,

A handwritten signature in cursive script that reads "Sarah Smith". The signature is written in black ink and is positioned to the left of the typed name.

Sarah Smith
Development Management Service Manager