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Date: 9 December, 2021

TOWN AND COUNTRY PLANNING ACT 1990
(Town and Country Planning (Environmental Impact Assessment) Regulations 2017)

LAND SOUTH OF CHISWELL GREEN LANE, CHISWELL GREEN, ST ALBANS

Further to your request received 15/10/2021, a screening opinion for development of between 415 and 450 residential dwellings, a new two form entry primary school, landscaping and support infrastructure, the Council considers that the proposed development would not require an Environmental Statement.

Attached is a detailed assessment for your information.

Yours faithfully,

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Tracy Harvey
Head of Planning & Building Control

Date Application Received	15/10/2021	Date of decision	6/12/2021
Screening opinion for: LAND SOUTH OF CHISWELL GREEN LANE, CHISWELL GREEN, ST ALBANS			

A - Check list	
A1. Is the project Schedule One?	No
A2. Is the project identified in column 1 of Schedule Two?	Yes - It is an Urban Development Project
A3. Is the project in or adjacent to a sensitive area? i.e. SSSI's, and other such designations.	The site is not within or adjacent to a SSSI, National Park, AONB, World Heritage Site or scheduled monument. The project is not therefore in or adjacent to a sensitive area as defined.
A4. Is the project above the exclusion thresholds in Schedule Two? (consideration of the selection criteria in Schedule 3) <i>(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or</i> <i>(ii) the development includes more than 150 dwellings; or</i> <i>(iii) the overall area of the development exceeds 5 hectares</i>	Yes – the proposed development is for ii) 415-450 dwellings, and iii) the site area exceeds 5ha (the site area is 14.66.ha)
A5. Is the project within the indicative inclusion thresholds in the NPPG (updated 20 07 2017) EIA Annex? Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination. Sites which have not previously been intensively developed: <i>(i) area of the scheme is more than 5 hectares; or</i> <i>(ii) it would provide a total of more than 10,000 m² of new commercial floorspace; or</i> <i>(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).</i> The NPPG indicates that: Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria. Sensitive Areas are defined in Regulation2(1) as: <ul style="list-style-type: none"> • Sites of Special Scientific Interest and European sites; • National Parks, the Broads and Areas of Outstanding Natural Beauty; and • World Heritage Sites and scheduled monuments. where "All developments in, or partly in, such areas should be screened." The guidance also indicates that in certain cases, local designations may be environmentally sensitive and may be relevant in determining whether an assessment is required. Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area may not be Schedule 2 development. Such projects do not usually require further screening or Environmental Impact Assessment.	See below. <i>(i) the area of the scheme is 14.66 hectares.</i> <i>(ii) not applicable</i> <i>(iii) The site is currently vacant of substantial buildings, described as four fields, with land in the north grazed by horses and the fields in the south being unmanaged grassland. However, the proposal is for less than 1000 dwellings (415-450 dwellings).</i> The site is not in, or partly in, a sensitive area as defined in the regulations.

B Consideration of selection criteria in Schedule 3

B1. Characteristics of Development

This should be considered in relation to the size of the development, the cumulative impact of other development, the use of natural resources, the production of waste, pollution and nuisances, the risk of accidents having regard in particular to substances or technologies used and the risks to human health.

The proposed development is for a mixed use development comprising 415 – 450 dwellings, a two form entry primary school, landscaping and supporting infrastructure.

The NPPG states: “It should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.”

This screening opinion request has been submitted in advance of a future scheme, and is assessed against the 2017 Regulations.

From the information provided in support of this Screening Opinion, the site is currently undeveloped and is located in the Metropolitan Green Belt.

The development would therefore be of a greater scale than the existing situation on the site. However, when considered against the indicative inclusion thresholds in the NPPG (updated 20 07 2017) EIA Annex, the proposed development would not comprise more than 1000 dwellings on a previously non-urbanised area. It is however noted that the site area (14.66ha) would be above the indicative site area threshold in the regulations.

In terms of potential cumulative impacts, the closest significant development consented is for a Strategic Railfreight Interchange at Frogmore but this is some distance from the application site and it is not considered it would need to form part of a cumulative assessment. A screening opinion has been issued for land north of Chiswell Green Lane (3330 dwellings) but no planning application has been submitted.

The site has not been determined as contaminated land under Part 11A of the Environmental Protection Act 1990. The proposed residential use would not generate non-domestic waste, pollution or nuisance. The proposed residential use would not involve the use of substances or technologies that would risk human health.

B2. Location of the Development

This should be considered in relation to the environmental sensitivity of geographical areas likely to be affected by development, in particular the existing land use, the relative abundance, quality and regenerative capacity of natural resources in the area, and the absorption capacity of the natural environment.

The site is currently open land, located in the Metropolitan Green Belt and is identified as a series of fields, either unmanaged grassland or land grazed by horses. The site includes a number of existing mature trees, mainly at field boundaries, but none that are the subject of a TPO, albeit the woodland adjacent to the application site (to the east) is subject to TPO.

The proposed development site is not a classified or protected area defined by National Legislation, nor is it an area in which environmental quality standards have already been exceeded.

In relation to ecology and biodiversity, The adjacent land to the east is already developed. The site affected does not include any resources specified in schedule 3 (i) – (v) above, or any ‘sensitive area’ as defined in the EIA Regulations. Existing understanding of the site on record does not suggest any significant ecological resource will be directly affected. It has been subject to ecological surveys although these are not provided. There is an old orchard site immediately to the east, but this is outside of the application boundary and is unlikely to be directly affected. There are no existing biodiversity areas, sites or designations of the natural environment outlined above which are affected by the proposals, and so it does not meet the Schedule 3 criteria.

It is noted that the EIA Screening Opinion states that there are no minerals resources that would be affected by the proposed development. The site falls entirely within the 'Sand and Gravel Belt' which is identified in the county council's Minerals Local Plan 2002-2016 (adopted in March 2007). The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 5 further states that:

The county council will object to any development proposals within, or adjacent to areas of potential mineral resource, which would prevent, or prejudice potential future mineral extraction unless it is clearly demonstrated that:

- i. the land affected does not contain potentially workable mineral deposits; and/or
- ii. there is an overriding need for the development; and
- iii. the mineral cannot practically be extracted in advance.

The Minerals Planning Authority will therefore expect to see a site investigation and evaluation by way of a Minerals Resource Assessment (MRA), in order to assess the potential for workable mineral deposits underlain at the site and to avoid the possibility of mineral sterilisation (please refer to Section 5(a) of the adopted Minerals Consultation Areas SPD). The need for a MRA should be referred to in the ES if one is to be conducted or undertaken and submitted at the planning application stage.

It should be noted that if the full mineral resource is to be extracted, there may be the need for a separate mineral planning application and potentially a separate EIA. If opportunistic extraction is undertaken, the relevant issues could be covered within an application. However, if the mineral resources are proposed to be left, justification of departure from policy must be demonstrated and this may result in an objection from the county council, based on adopted planning policy.

Due to its scale, the scope for impact on below ground Heritage Assets cannot be ruled out.

B3. 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.

Section 4(2) states:

"4(2) The EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on the following factors—

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC(1) and Directive 2009/147/EC(2);
- (c) land, soil, water, air and climate;

- (d)material assets, cultural heritage and the landscape;
- (e)the interaction between the factors referred to in sub-paragraphs (a) to (d).”

Magnitude and Spatial Extent, Nature, Transboundary Nature of Impact, Intensity and Complexity

The proposed development would result in an intensification of the use of the site as it is currently open grazed or unmanaged land. The site is located close to existing residential development and there would be some impact due to the additional residential uses proposed. Existing trees would provide some screening from the proposed built form and additional landscaping may be required as part of any application. The height, proximity to any defensible landscaped boundaries and overall visual impact of the proposed dwellings would be considered as part of any application. The site is within the Watling Chase Community Forest.

The magnitude of the visual impact of the development could be assessed through the submission of a LVIA.

The intensification of the site could have implications in relation to surface water drainage and flood risk. The Lead Local Flood Authority will assess Surface Water Drainage Assessments and Flood Risk Assessments as part of a formal full / outline application. An FRA / Surface Water Drainage Assessment should be carried out to demonstrate that the proposed development will not create an increased risk of flooding from surface water to the development site and the surrounding area. It should be carried out in accordance with the National Planning Policy Framework and the National Planning Practice Guidance.

Due to the nature of the development, the development will be expected to demonstrate that the surface water drainage from the development can be managed in a suitable manner, giving priority to above ground storage and source control. By giving preference to infiltration, then discharge to a watercourse thereafter surface water sewer. The development should also seek to manage the flow route on site.

Any FRA submitted to support any future planning applications should demonstrate that the proposed drainage system can be designed to cater within the site and the post development surface water run-off rates and volumes for its lifetime for all rainfall events up to and including the 1 in 100-year rainfall event + 40% allowance for climate change. The FRA should also demonstrate that any existing areas of surface water flood risk can be managed within the site without increasing flood risk elsewhere.

Where it will be proposed to infiltrate ground investigations should be carried out and provided within the FRA. This should include detailed assessment of ground conditions, groundwater levels, permeability of the underlying geology, with infiltration tests carried out in accordance BRE Digest 365. The FRA should also demonstrate that there will be sufficient surface water quality treatment by implementing an appropriate amount of water quality treatment stages through the use of SuDS. The LLFA would recommend a minimum of two SuDS treatment stages should be provided to manage any potential contaminants from surface water run-off from car parking areas and access roads.

The site lies over a groundwater source protection zone 2 Outer catchment Source protection zone. For this reason, we recommend the applicant to implement appropriate treatment stages in case infiltration is considered as means of discharge for the surface water. The applicant should also consider consulting the Environment Agency in relation to water quality.

Details of required maintenance of any SuDS features and structures and who will be adopting these features for the lifetime of the development should be provided. It is up to the Local Planning authority to ensure that the drainage/SuDS system can be managed for the lifetime of the development.

The Highways Authority will expect any planning application for the redevelopment of this site to be accompanied by a Transport Assessment and Travel Plan. The Transport Assessment should consider the highways and transport impacts of the proposed development.

The county council offers a pre-application service, which is available here:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#preapplication.

The Transport Assessment should be drawn up in accordance with HCC requirements as set out in Chapter 7 of Section 1 of the HCC highway design guide titled: 'Roads in Hertfordshire':

<http://www.hertfordshire.gov.uk/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagment/roadsinherts/>.

The site is not within or adjacent to any areas classified or protected by National Legislation, or within or adjacent to any areas of particular environmental sensitivity. Any impact on the Metropolitan Green Belt, landscaping, flood risk and drainage, heritage assets, air quality, land and ground water contamination issues, and ecological issues would need to be considered as part of a planning application.

It is not considered that the site context is environmentally sensitive to the proposed use, or that the site is particularly environmentally sensitive or contaminated.

In terms of ecology and biodiversity, the nature of the development in respect to local ecology will be significant where it results in built structures. Whilst this impact will be large, no particularly significant biodiversity is known to be present. The site does not benefit from any statutory or non-statutory designations. Protected species can be considered accordingly on the basis that they are not wholly dependent on the proposals site or cannot otherwise be addressed as necessary. We would anticipate the hedgerows within and around the site to be largely retained as part of the site's Green Infrastructure (GI).

Transboundary impacts in the EIA Regulations relate to effects of development in England likely to have significant effects in another EEA state. They are not applicable in this case. However, very locally, the adjacent old orchard site will not be directly affected. This is the only site of semi-natural significance locally and buffers to this have been proposed.

The proposals will include a level of Green Infrastructure, reducing its overall ecological impact.

What ecological impact will be created brings with it a high level of certainty in terms of direct impact.

The ecological impact is likely to be permanent and unlikely to be reversed unless the development is removed at a later date. Best practice would in any event be expected during any construction phase in order to reduce indirect impacts. The impact can be reduced by incorporating elements of green infrastructure and features of biodiversity enhancements where appropriate. Furthermore, the development will now in any event be expected to deliver a minimum of 10% Biodiversity Net Gain as outlined within the Environment Act 2021.

It is noted that the screening opinion states that: "Significant quantities of construction or operational waste are not anticipated as a result of this development." The county council is the Waste Disposal Authority and Waste Planning Authority for Hertfordshire and it is considered that a development of over 400 dwellings is likely to generate significant waste arisings during its construction phase and should be scoped and assessed within the ES, if the district council considers that one should be undertaken.

The ES should outline how construction and demolition waste will be managed, as the development has the potential to give rise to a very large amount of construction, demolition and excavation waste, which will need to be managed appropriately. This type of waste presents the biggest capacity gap in Hertfordshire, with very limited sites available to process and dispose of such waste. Given the significant capacity gap in this area, it is important that every effort is made to reuse and recycle as much of this waste on site as possible with a target of 95% diversion from landfill.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the county council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:

"When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes*

good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

• the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.”

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire Waste Core Strategy & Development Management Policies DPD (adopted in 2012) which forms part of the Development Plan. The policies that relate to this potential development are set out below:

- Policy 1: Strategy for the Provision for Waste Management Facilities. This is with regards to the penultimate paragraph of the policy;
- Policy 2: Waste Prevention and Reduction; &
- Policy 12: Sustainable Design, Construction and Demolition

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

A development of this size would require the consideration of waste which is generated during construction and subsequent occupation. This includes minimising waste generated by development during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition, regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

The county council would expect a commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

Good practice templates for producing SWMPs can be found at: <http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arising during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council would be happy to assess any SWMP that is submitted as part of this development either at application stage or as a requirement by condition and provide comment to the district council.

A Health Impact Assessment (HIA) should be undertaken. HIAs are recommended for developments in excess of 100 units and it is HCC's view that this is an essential assessment for any development proposal, in order to demonstrate that it will not have negative implications for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. A HIA can also be a tool to demonstrate the opportunities of a proposal and how a development has been positively planned.

Given the potential scale of the proposed development, the HIA should assess the potential positive and negative health impacts of this development. In doing so, the applicant would be demonstrating how it is meeting the various requirements of Chapter 8 of the National Planning Policy Framework (NPPF).

In order to ensure the completeness and quality of the HIA:

- (a) the developer must ensure that the HIA is prepared by competent experts; and
- (b) the HIA must be accompanied by a statement from the developer outlining the relevant

expertise or qualifications of such experts.

Public Health has guidance available on the use of HIA and would welcome an initial conversation with the applicant to explore the scope of this in recognition of the scale of the development. A HIA may form part of the ES and be included as a separate chapter in the preparation of the ES, should one be submitted as part of the planning application. A standalone HIA can be submitted, should an ES not be required.

Probability of impact and possibility of effectively reducing the impact

Due to the factors outlined above, and that relevant consultees have deemed that likely potential environmental impacts could be adequately mitigated through the use of planning conditions, it is not considered that the probability of environmental impact would be of a nature as to require an Environmental Statement. Any smaller scale, local impacts can be adequately considered and any mitigation identified by way of evidence and assessments submitted as part of the planning application.

The development will have an impact on social and physical infrastructure and it is likely that mitigation will be required in the form of planning obligations.

Onset, duration, frequency and reversibility of the impact

Any operational impacts of the development of the site for the development proposed could not be reversed. Construction impacts would be temporary.

Cumulation of the impact with the impact of other existing and/or approved development:

There are no current applications or extent planning permissions which the local authority considers should form part of a cumulative impact assessment. A screening opinion has been issued for land North of Chiswell Green Lane (ref 5/2021/2520).

C. Conclusion

It is considered that, although the development proposed would exceed the indicative inclusion thresholds in the NPPG (updated 20 07 2017) EIA Annex, the NPPG is clear that it should not be presumed that developments above the indicative thresholds should always be subject to assessment.

On the basis of the above assessment, having regard to the purpose and the amount of development proposed, the proposal would not be of more than local importance, would not be in a particularly environmentally sensitive or vulnerable location in terms of designations and would not be unusually complex or have potentially hazardous environmental effects. The proposal is not likely to have significant effects on the environment other than what can be considered under the normal planning process.

Therefore subject to requirements for the submission of additional information within a planning application the development is unlikely to result in the requirement for an Environmental Impact Assessment to be undertaken. In the case of a negative screening opinion, the local authority is required by the regulations 2017 to state any features of the proposed development and measures envisaged to avoid and prevent what otherwise might have been significant effects on the environment. These are as set out in this note, and in particular comprise the potential impacts arising from a residential development in terms of traffic (including pollution), potential impacts on the sand and gravel belt, potential impacts on archaeology, potential impacts on ecology and biodiversity, potential impacts on the SPZ and impacts on surface water drainage/flood risk. These would need to be assessed and mitigation for any adverse effects identified included as part of any application for planning permission.

The application should be accompanied by the following supporting documents specifically in relation to potential environmental effects: Site Location Plan Design and Access Statement, Planning Statement (incl s106 Heads of Terms), Affordable Housing Statement, Statement of Community Involvement, Landscape and Visual Impact Assessment and Landscape Strategy, Transport Assessment and Travel Plan, Flood Risk and Drainage Assessment (must consider the adjacent SPZ, and must include consideration of SUDs)), Ecological Assessment, Tree Survey and Arboricultural Impact Assessment, Noise Impact Assessment; Air Quality Assessment; Agricultural Land Survey if agricultural land is to be lost; Heritage Statement with Impact Assessment (archaeology), Health Impact Assessment. It is recommended that a full list of application documents is agreed with the local planning authority in advance.

For the above reasons it is determined that an Environmental Statement **is not** required for the above development.

This Screening Opinion has been adopted by St Albans District Council.

Yours faithfully

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Tracy Harvey
Head of Planning & Building Control