

PLANNING & BUILDING CONTROL
Tracy Harvey Head of Planning & Building Control

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Our Ref: 5/21/2520
Please ask for: Ruth Ambrose
E-mail: planning@stalbans.gov.uk
Date: 30 September, 2021

Dear Sir,

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

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

Further to your request received 01/09/2021, a screening opinion for the proposed mixed use development comprising up to 330 dwellings (class c3), open spaces and a memorial park, 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	01/09/2021	Date of decision	29/09/2021
Screening opinion for: LAND NORTH 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) 330 dwellings, and iii) the site area exceeds 5ha (the site area is 14.5.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.	See below. <i>(i) the area of the scheme is 14.5 hectares.</i> <i>(ii) not applicable</i> <i>(iii) The site is currently vacant of substantial buildings, described as agricultural land and a polo club. However, the proposal is for less than 1000 dwellings (330 dwellings).</i> The site is not in, or partly in, a sensitive area as defined in the regulations.

Such projects do not usually require further screening or Environmental Impact Assessment.

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 up to 330 dwellings (use class C3), open spaces and a memorial park.

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 (14.5ha) 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.

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 mix of agricultural land, an occasionally used polo field and grazing land, with a number of small existing buildings in keeping with the current use. The site includes a number of existing trees, but none that are the subject of a 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.

The preliminary risk assessment confirms that the site has not been subject to any former usage which may have resulted in contamination occurring and no further site investigation or remediation is considered necessary to develop residential property upon the site.

The site is in Flood Zone 1. It is located near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (BRIC). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby

significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

The site, along with much of the wider area, is in a water stressed area meaning that water efficient measures should be included within the proposed development.

There are water mains running through the application site which may require diversion.

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. 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).

It should be noted that if the full resource is to be extracted, there may be the need for a separate mineral planning application which in itself would need to be subject to screening for EIA

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.

There are HHER entries suggesting that this is a large-scale prehistoric and/or historic landscape. The proposed application site is of a size that there is the potential for archaeology to be present (Hey, & Lacey, 2001 and Waller 2008). Therefore, the heritage environment requires assessment and the results, if appropriate, used as part of the design process. This may be followed by one or more phases of additional archaeological work, and/or preservation in situ depending on each phase, from the first evaluation onwards.

Any planning application should be accompanied by a Heritage Statement with Impact Assessment (Heritage Statement) following a preliminary archaeological evaluation of the site. The large-scale nature of the site creates a potential for archaeology such that there is an archaeological interest in the proposed site as defined by the National Planning Policy Framework (Section 16). Therefore, Heritage needs to be included as a proportionate part of any scheme. The heritage environment requires assessment and the results, if appropriate, used as part of the design process.

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 agricultural 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.

There is the potential for impacts on ecology and biodiversity, given the location of the site and the presence of trees and vegetation adjacent to and within the site. The magnitude of such effects and any mitigation could be assessed through an Ecological Appraisal of the site at planning application stage given the site is not in an area designated as ecologically sensitive.

Due to the size of the proposed development, the proposal may have impacts on surface water drainage within the locality. Due to the nature of the development the development should demonstrate that the surface water drainage from the development can be managed in a sustainable manner. As the site is over 1ha, under the requirements of the NPPF the applicant is required to carry out a Flood Risk Assessment (FRA). A Surface Water Drainage Assessment would also be required.

Any FRA submitted should support any future planning applications to 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. Drainage calculations should be provided for all rainfall return periods including an allowance for climate change to confirm the proposed drainage strategy is viable.

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 management and treatment stages through the use of SuDS.

Traffic is most likely to have an impact on the wider area. Separate to any EIA, the Highway Authority would expect a Transport Assessment (TA) and Residential Travel Plan (RTP) to

accompany the planning application for the site in order to allow the highways and transport impacts of the development to be considered.

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.

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.

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.

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 (note this list is more extensive than that set out in the application for a screening opinion): Site Location Plan Design and Access Statement, Planning Statement (including 106 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).

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.

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Date: 29/09/2021

Tracy Harvey
Head of Planning & Building Control