

COMMUNITY AND PLACE DELIVERY

Christine Traill Strategic Director of Community and Place Delivery

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Our Ref: 5/2022/1988
Please ask for: George Burgess
E-mail: Planning@stalbans.gov.uk
Date: 15 February, 2023

Dear Sir,

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

LAND TO REAR OF 42-100 TOLLGATE ROAD & 42 TOLLGATE ROAD, COLNEY HEATH, ST ALBANS

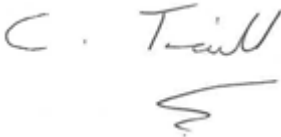
Planning application 5/2022/1988 for '*Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary work*' was received on 5 August 2022.

A screening request was not submitted prior to the submission of planning application 5/2022/1988. However, as planning application 5/2022/1988 exceeds the thresholds outlined in part 10(b) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, this Screening Opinion is issued in accordance with regulation 8 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The Council considers that the proposed development would not require an Environmental Statement.

Attached is a detailed assessment for your information.

Yours faithfully,



**Christine Traill
Strategic Director – Community and Place Delivery
St Albans City & District Council**

Date Application Received	05/08/2022	Date of decision	15/02/2023
Screening opinion for: LAND TO REAR OF 42-100 TOLLGATE ROAD & 42 TOLLGATE ROAD, COLNEY HEATH, 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 site area exceeds 5ha (the site area is 7.8ha)
A5. Is the project within the indicative inclusion thresholds in the NPPG 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 Regulation 2(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 application site area is 7.8 hectares.</i> <i>(ii) not applicable</i> <i>(iii) The site is currently vacant of substantial buildings, described as two fields grazed by horses. A stable block and manège are located in the north of the site. The site also includes the house and garden of no. 42 Tollgate Road. However, the proposal is for less than 1,000 dwellings (up to 150 dwellings proposed).</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.

Planning permission is sought for:

“Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary works”

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 planning application is assessed against the 2017 Regulations.

The 7.8ha site is largely undeveloped and is located in the Metropolitan Green Belt. The site comprises two fields grazed by horses. A stable block and manège are located in the north of the Site. The Site also includes the house and garden of no. 42 Tollgate Road.

The development would therefore be of a greater scale than that which currently exists at the site. However, when considered against the indicative inclusion thresholds in the NPPG EIA Annex, the proposed development would not comprise more than 1,000 dwellings on a previously non-urbanised area. It is however noted that the site area (7.8ha) would be above the indicative site area threshold in the regulations.

In terms of potential cumulative impacts, it is noted that there are a number of either permitted or proposed developments in proximity to the application site, as follows:

- Planning permission for 100 homes at Roundhouse Farm, Bullens Green Lane (outline consent 5/2020/1992 and reserved matters permission 5/2022/0879).
- Live planning application 5/2022/2736 at Land at Round House Farm, Roestock Lane, Colney Heath for: *Outline application (access sought) - Erection of up to 155 residential dwellings together with ancillary works.*
- Live planning application 5/2022/0599 at Land To Rear Of 96 To 106 High Street, Colney Heath for: *Outline application (means of access sought) for up to 45 dwellings including new affordable homes, with areas of landscaping and public open space, including points of access, and associated infrastructure works.* A screening opinion has not yet been issued on this application, albeit it is noted that this development is considerably below the Schedule Two thresholds.

Whilst it is noted that there are other major forms of development in the wider Parish area, those listed above are considered to be of most relevance in this case, principally due to their proximity to the application site.

When considering the dwellings proposed as part of this application alongside the three applications noted above, should all of them gain permission and be constructed, there would be an additional 450 dwellings within the area.

Whilst this is a large increase, it is nonetheless noted that such an increase would still be considerably below the indicative inclusion threshold in the NPPG of 1,000 dwellings. Whilst there may be some impacts on local infrastructure (such as transport/highways infrastructure, social and community infrastructure etc.); given the number of dwellings proposed, when considered as a whole, it is not considered likely that any such impacts arising would be so significant that they could not be adequately mitigated as part of each individual planning application (such as through planning conditions or obligations).

The planning application is accompanied by a Phase 1 Ground Conditions Assessment, prepared by Stantec, which concludes that there is no reason, based on the evidence available, that the site

would be designated as Contaminated Land under Part 2a of the Environmental Protection Act 1990. However, a Phase 2 Ground Investigation Report also accompanies the application, which identifies the presence of polycyclic aromatic hydrocarbons (PAC) and asbestos contamination has been detected in some soil samples taken from the site. The report recommends that further ground samples are taken to understand the extent of the contamination. The Phase 2 Ground Investigation Report concludes that ground gases are not considered to pose a significant risk to the future users of the development or proposed structures and no specific gas protection measures are required. It is felt that issues relating to contamination can be dealt with through the determination of the planning application.

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 largely open land, located in the Metropolitan Green Belt, including two fields grazed by horses. A stable block and manège are located in the north of the site, whilst the site also includes the house and garden of no. 42 Tollgate Road.

The south of the application site also includes part of the Colney Heath Farm Meadows Local Wildlife Site (LWS) – a non-statutory designation. Approximately 40% of Colney Heath Farm Meadows is located within the application site, with the remaining LWS extending over and along the River Colne to the south west and additional fields to the north west. The LWS comprises a mosaic of unimproved neutral to acid grasslands along the River Colne. The proposed development includes the retention of the LWS.

The perimeter of the site is vegetated with trees and hedges, the vast majority of which would be retained and enhanced through the proposed development. The site is generally devoid of trees within the central area where the main development is concentrated. No trees at the site are subject of a Tree Preservation Order (TPO).

The application 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.

A historic landfill (Colney Heath Farm - EAHLD10033) is located to the north west of the site.

In relation to ecology and biodiversity, the application is accompanied by an Ecological Impact Assessment, prepared by CSA Environmental, which states that habitats on-site have been found to support populations of foraging/navigating bats and grass snake. A range of safeguards and mitigation measures are proposed to avoid potential impacts to these protected species and ensure the construction work is undertaken lawfully.

Measures have also been proposed in respect of safeguarding badgers, riparian mammals, nesting birds and amphibians. In addition, a sensitive external lighting scheme is proposed to minimise adverse effects on nocturnal animals using the site and surrounding habitats.

The Ecological Impact Assessment concludes that, based on the successful implementation of the proposed avoidance, mitigation and enhancement measures, the proposed development is not anticipated to result in any significant residual negative effects on important ecological features. Hertfordshire County Council (HCC) Ecology has reviewed the Ecological Impact Assessment and considers the assessment of protected species to be reasonable. HCC Ecology also notes that provided that suitable compensation for the loss of habitats outside of the LWS is provided, this does not represent a constraint to the proposal.

The proposed development propose to provide 10% biodiversity net gain.

The application site does not include any resources specified in Schedule 3, part 2 (c) (i) – (v) or any 'sensitive area' as defined in the EIA Regulations.

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.

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 planning application is accompanied by a Minerals Assessment Desk Study, which outlines that there are a number of constraints to extraction operations, as follows:

- An oil pipeline runs along the southwestern boundary of the site. The pipeline carries diesel, petrol, kerosene and Jet A1 fuel with a statutory easement of 6m surrounding the pipeline;
- The presence of existing residential properties immediately to the northeast of the site; and
- The requirement for dewatering on the aquifers and adjacent River Colne.

The Minerals Assessment Desk Study includes a map of the likely available area for minerals extraction, but states that sand and gravel extraction ahead of development would not be practical nor is it likely to be commercially viable. HCC Minerals and Waste has not yet provided comments on the Minerals Assessment Desk Study and the acceptability of the report's conclusions have not yet been verified.

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 the proposed 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, based on adopted planning policy.

The proposed development lies within a potentially archaeologically sensitive area to the south of Colney Heath between the present houses and the river. The planning application is accompanied by an Archaeology and Heritage Assessment, prepared by CSA Environmental, which identifies some potential for the presence of archaeological deposits on the site with evidence of Prehistoric and Roman occupation in the vicinity. A desk based assessment, which includes a geophysical assessment, has been provided with the application. The geophysical assessment only identifies irregular anomalies which were attributed to agricultural activity. The Hertfordshire Historic Environment Record shows that the proposed development lies within an area from which there are records of a Mesolithic flint axe and post medieval mill and boundary marker. The presence of a Roman road in the vicinity identified in the desk based assessment indicates the potential for Roman occupation in the area. It is possible that further features will be identified in the proposed development area. The position of the development close to the River Colne increases the potential for palaeo-environmental and water logged deposits being identified.

The Council's Archaeological Advisor has reviewed the application and not raised objection to the proposed development subject to the inclusion of two conditions relating to a written scheme of archaeological work, in the event that planning permission is granted.

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 largely comprises open grazed land, with the exception of the existing dwelling at no. 42 Tollgate Road and the stables. The site is located close to existing residential properties on Tollgate Road and there would be some impact from the addition of up to 150 dwellings at the application site.

Existing trees would provide some screening from the proposed built form, whilst the Proposed Masterplan shows tree planting along the boundary of existing properties on Tollgate Road to the north (although this plan is illustrative only and not submitted for approval). The proposals also include the provision of a 10m planting strip along the western and eastern site boundaries, following a request from HCC Landscape. The acceptability of the height and scale of the proposed development, including its visual impact is being considered through the current planning application. The site is within the Watling Chase Community Forest.

The application is accompanied by a Landscape and Visual Impact Assessment, which is being considered by the Council through the determination of the application.

The majority of the site lies within Flood Zone 1, however, the western part of the site located adjacent to the River Colne lies within Flood Zone 3, with small areas located within Flood Zone 2. The proposed residential development will be located entirely within Flood Zone 1. The intensification of the site could have implications in relation to surface water drainage and flood risk. A Flood Risk Assessment, Surface Water and Foul Water Drainage Strategy, prepared by Stantec, has been submitted with the application. The proposal includes a drainage scheme which is based on a 1 in 100 rainfall event, including 40% climate change allowance.

The proposed drainage strategy consists of two lined attenuation basins to the north and south of the site. It is proposed that two surface water pipes will channel water from the attenuation basins towards two conveyance swales towards the River Colne. The swales will cross the oil pipeline and surface water will eventually be discharged from the swales via two piped surface water outfalls to the River Colne. The Council's drainage specialist considers the application to be acceptable from a flood risk and drainage perspective, subject to a condition relating to surface water drainage scheme details.

The site is located within groundwater Source Protection Zone (SPZ) 1. The Environment Agency (EA) objected to the planning application on 3 October 2022 on the basis of proximity to the River Colne and risk to groundwater quality within SPZ 1. The applicant has provided a response to the EA, which is currently being consulted on.

The planning application is accompanied by a Transport Assessment. The Highways Authority recommended refusal to the planning application on 21 October 2022 until a range of further information is provided. The applicant provided an updated Transport Assessment on 20 December 2022 which is currently being consulted on. Further comments from the Highways Authority are expected in due course.

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. Impacts on the Metropolitan Green Belt, landscaping, flood risk and drainage, heritage assets, air quality, land and ground water contamination issues, highways and ecological issues are currently under consideration as part of the submitted 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. The applicant has identified some ground contamination at the site and comments are sought from the Council's Contamination Officer on any further surveys or mitigation required.

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, on a more local scale it is noted that the District boundary is around 100m to the east of the application site at its closest point. It is not considered that any significant transboundary effects that could not be dealt with through the planning application would arise, and in any event, given the two-tier local government structure in this area, most key infrastructure would be provided by the County Council (e.g. schools and transport) where the District boundary would not necessarily act as a constraint to provision.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012. 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; and
- 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, as Waste Planning Authority, would expect 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. HCC has recommended a SWMP condition in the event that planning permission is granted.

The planning application is accompanied by a Health Impact Assessment (HIA), following a request from HCC Public Health. HCC Public Health has been consulted on the report but has not yet provided comments.

Probability of impact and possibility of effectively reducing the impact

Due to the factors outlined above, and as it is considered that likely potential environmental impacts could be adequately mitigation through the use of planning conditions (should planning permission be granted), 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 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:

As noted above, there are a number of applications in proximity to the application site, which either benefit from permission or are currently pending and could potentially gain planning permission. When considering the dwellings proposed as part of this application alongside the three applications noted earlier in this Screening Opinion, there would be an additional 450 dwellings within the area if all were granted permission and constructed. Whilst this could be seen as a large increase, it is nonetheless noted that such an increase would still be considerably below the indicative inclusion threshold in the NPPG of 1,000 dwellings. Cumulatively, the approved and pending applications in the surrounding area could be considered to have a significant urbanising effect on the area, however, as set out throughout the above discussion, it is felt that the impacts arising from the development could be considered appropriately at planning application stage.

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 does not result in a 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 impact on the Metropolitan Green Belt, landscape, flood risk and drainage, heritage assets, land and ground water contamination issues, highways and ecological issues. These would need to be assessed and mitigation for any adverse effects identified through the planning application process.

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.

Date: 15/02/2023

Christine Traill
Strategic Director – Community and Place Delivery
St Albans City & District Council