

Delegated Report
North Hertfordshire District Council

Screening Opinion in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

In respect of land opposite Heath Farm off of Briary Lane, Royston, Hertfordshire

Outline planning application for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane.
All matters reserved except for means of main site access.

This screening opinion relates to the above proposal and is based on information contained within the planning application ref 18/00747/OP which has yet to be determined at the time of this opinion.

This report confirms the view of the Local Planning Authority that the proposed development does not fall within Schedule 1 of the EIA Regulations and does not therefore require a mandatory EIA.

The proposed development falls within Schedule 2, Section 10 (b) of the Regulations which relates to 'urban development projects'. The proposed development does not exceed the threshold under Section 10 (b)(ii) as the development includes less than 150 dwellings. However, due to the inclusion of a significant area of public open space the site area would exceed the 5Ha threshold set at 10 (b) (iii). This said the developable area would be 3.25 Ha with the remaining area of the site being open space.

This report appraises the characteristics of the site and the proposed development against the criteria in Schedule 3 of the Regulations and against the current Planning Practice Guidance and concludes that the proposed development is not likely to give rise to significant environmental impacts and so would not require a formal Environmental Impact Assessment (EIA) and an Environmental Statement (ES).

1. Summary of the proposed development

1.1 As set out in the application proposed development is as follows:

- Residential development up to 107 dwellings with new access from Briary Lane
- A mix of 1-bed and 2-bed affordable rent/shared ownership flats and 2-bed to 5-bed predominantly private housing.
- A mix of dwellings of no more than 2 storeys.
- Associated parking provision and landscaping, including peripheral area of open green space
- Total site area approximately 9 hectares

- 1.2 The proposed development would involve the loss of approximately 9 hectares of agricultural land although a large area of the site would remain open and capable of reversion.

2. Assessment against Schedule 1 and Schedule 2 of the Regulations

- 2.1 The proposed development does not fall within any of the categories of development set out in Schedule 1 of the Regulations.
- 2.2 The proposed development falls within column 1 of Schedule 2 of the Regulations being categorised as being within 10 (b) (Urban Development projects) forming part of category 10 ('Infrastructure projects'). Whilst it is acknowledged that the screening site is not within the built up part of Royston, the Planning Practice Guidance advises at paragraph 31 that the Schedule 2.10 (b) category includes residential and other development of an urban nature and that it can also apply to development in non-urban areas which has an urbanising effect on the local environment.
- 2.3 The site is not within a 'sensitive area' as defined under Regulation 2 of the EIA regulations. This said part of the upgraded access road would impinge slightly of the adjacent SSSI. Natural England has been consulted and has raised no concerns subject to a contribution to visitor mitigation.
- 2.4 The development site boundary exceeds the relevant area threshold of 5 hectare but not the dwelling threshold for residential development (150 units) set out in (b)(ii), column 2 of Schedule 2 (10) of the 2017 EIA Regulations. It should be noted that the area of built development (housing) would actually be 3.52 Ha.
- 2.5 Based on the above, the proposed development represents Schedule 2 development, however this does not automatically mean that the proposal is EIA development. In accordance with the Regulations, a screening exercise must be carried out in order to determine whether or not EIA is required, considering the proposals against the selection criteria identified in Schedule 3 of the Regulations.
- 2.6 Regulation 5(4) of the EIA Regulations 2017 outlines that the Local Planning authority must take account the selection criteria set out under Schedule 3 of the regulations when determining whether or not a Schedule 2 development is an EIA development.

3. Selection Criteria for Screening Schedule 2 Development

Site location and context

- 3.1 The land the subject of this Screening Opinion covers an area of approximately 9 hectares comprising cultivated farmland at the top of Briary Lane. The site access passes through an area of Common land along the alignment of an existing bridleway which lies within the SSSI.

- 3.2 The site is located within Landscape Character Area (LCA) 228 'Scarp Slopes South of Royston', which covers a broad landscape area to the south-west and south-east of Royston. The area is described:

“Chalk scarp slope incised by dry water cut valleys. Undulating landform with steeper slopes towards the upper plateau edge. Large scale arable fields with ordered pattern of rectilinear field boundaries and lanes with straight boundaries. Occasional farmsteads. Small tree plantations set out in discrete coverts. Individual tree belts.”

The character area study identifies the LCA as being of high sensitivity noting that

“The pronounced undulating landform and mix of grassland and arable fields creates an open area with panoramic views, while the sections of wooded dip slopes create a sense of enclosure with limited urban influence.”

In terms of landscape value the study concludes:

“Aspects of particular value within Scarp Slopes South of Royston are the recognisable sense of place, the striking landform, the visual interest, memorable uninterrupted views, the sense of openness and visible expressions of the local geology.”

- 3.3 The site is within the Rural Area beyond the Green Belt and the Saved North Hertfordshire District Local Plan (2007) designates the site as such through Policy 6. This site falls within Policy CGB1 in the emerging local plan.
- 3.4 The site is within Flood Zone 1 of the Flood Map as identified by the Environment Agency.

Characteristics of the development

Schedule 3 states that this should have regard to the following:

- 3.5 a) *The size of the development.*

In this case the site is undeveloped and in agricultural use. The undeveloped character of the site would change significantly through its redevelopment for housing together with associated parking and landscaping and highway infrastructure. The provision of up to 107 dwellings is not considered to be a substantial development, relative to other allocations within the proposed Local Plan and although it would give rise to an urbanising impact on these particular fields, the site features natural boundaries which enclose it from the wider landscape and the proposed development would include a significant amount of open space.

- 3.6 b) *Cumulation with other development.*

The potential for cumulative impact with other development is not considered significant as the proposal is not of a significant scale, compared to larger strategic sites – the nearest of which would not be read with this site.

- 3.7 c) *Use of natural resources*

The development would be likely to use natural resources in terms of construction over several years and the long term on-going use of the site. The existing use has no impact on natural resources at present whereas the proposed use is likely to consume significant amounts of natural resources.

3.8 *d) The production of waste*

The development would be likely to produce some amount of waste both within the construction phase and operational phase

3.9 *e) Pollution and Nuisances*

The proposed development and land uses are not of a type that would have a high likelihood of resulting in significant or harmful levels of air quality, noise and light pollution. Some pollution is likely, however this would not be significant.

3.10 *f) The risk of accidents*

Natural disaster events are not considered relevant to the proposed development. The main risk of accidents is likely to be through vehicular traffic entering and leaving the site. However, measures and requirements can be put in place to ensure that the access points are in accordance with HCC Highways policy to ensure safe and sufficient access (with suitable visibility etc).

Location of development (having regard to environmental sensitivity of the area to be affected)

Schedule 3 states that the environmental sensitivity of geographical areas likely to be affected by development must be considered having regard in particular to:

3.11 *a) the existing land use*

The site is an edge of settlement location. The development is likely to have an urbanising effect on this location, although as mentioned above, owing to the relatively enclosed nature of some aspects of the site and the designed layout of the site (with proposed development set well back from the exposed western and substantially landscaped), the development would have a less than substantial impact on the wider countryside.

3.12 *b) abundance/quality/regenerative capacity of natural resources in the area*

The development would not likely have a significant impact on immediate/ onsite/ nearby natural resources indeed almost two thirds of the site will be returned to managed open space with greater biodiversity value than the current arable fields.

3.13 *c) absorption capacity of the natural environment*

The site is not designated as a significant natural environment moreover, the scheme includes a proposal to return nearly 6Ha of arable fields to managed open space

Characteristics of the potential impact

3.14 The extent and nature of the impact

The development would introduce a moderate built form which would be contrary to the agricultural character of the existing landscape, this is not to an extent to reason a need for an EIA in this instance.

3.15 The trans-boundary nature of the impact

The site does not abut any national boundary or any other local authority boundary.

3.16 The intensity and complexity of the impact

As mentioned above, the scale of this site is considered moderate, particularly compared to larger strategic sites and the site is not wholly within any designated or sensitive sites. As such, it could be reasonably considered that any impacts would be of a relatively limited magnitude and would not be overly complex.

3.17 The probability of the impact

The probable impact of the development is likely to be moderate and not of a significance or scale so as to warrant the requirement of an EIA.

3.18 The expected onset, duration, frequency and reversibility of the impact

The development is likely to have a permanent impact, although not of a substantial local significance

3.19 The possibility of effectively reducing the impact

Refusing permission would reduce the impact on the environment in terms of built development but would not deliver a substantial area of managed open space as this would likely remain farmland of limited biodiversity or recreational value.

4. Conclusion

4.1 The Local Planning Authority recognises that the EIA Planning Practice Guidance states that only a very small proportion of Schedule 2 development will require an assessment. The Planning Practice Guidance (2014), states that the exclusive thresholds offer only a broad indication of the scale of development which is likely to be a candidate for EIA, but that the requirements need to be considered on a case-by-case basis. In terms of urban development projects (Column 1 10 (b)) the guidance states that EIA assessment is unlikely 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. In this case, although the proposed development would be on a greater scale than the existing agricultural use and would be of a markedly different nature, it would not be of a scale or a nature to justify the need for an EIA. This view is reinforced by the sub threshold nature of the number of dwellings (significantly less than 150) and the limited extent of the built form (less than 5 Ha). The requirement for screening rests solely on the amount of open space included within the application red line area.

4.3 In view of the above analysis and in accordance with the requirements of the Regulations and guidance in the Planning Practice Guidance, it is considered that any environmental effects that are likely as a result of the proposed development can be adequately addressed by conditions /agreements. Accordingly the Local Planning Authority issues a 'Negative Opinion'.

