

Development Management
East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton upon Trent
Staffordshire
DE14 1LS
12 January 2015

Received 12 Jan 2015

P/2015/00037

Dear Sir / Madam,

***Proposed Residential Development at Lightwood Road, Yoxall
Town and Country Planning (Environmental Impact Assessment) (England Wales) Regulations 2011:
Request for a Screening Opinion Pursuant to Regulation 5***

We refer to the above site and formally request the adoption of a Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for:

“Residential development of up to 170 dwellings.”

In accordance with Regulation 5(2), of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, we enclose a site location plan (reference 5448/LP.001) and set out below a brief description of the nature and purpose of the proposed development and its possible effects on the environment.

A level of judgement needs to be applied to determining whether significant effects from a development are likely. The main factors we consider to be relevant are:

- The location of a development - the more environmentally sensitive the location, the lower the threshold at which significant effects will be likely. Conversely, if the location is not sensitive, there will be a higher threshold at which effects become significant.
- The physical scale of development – it is our view that EIA is less likely to be required unless the new development is on a significantly greater scale than the previous use; the site has not previously been intensively developed, or the types of impact associated with the development are of a markedly different nature to current site uses; or
- There is a high level of contamination existing on site or likely to arise, or where there is an unusually complex or potentially hazardous effect which warrants more robust consideration before a decision is made.

Having considered the proposed development at Lightwood Road, Yoxall it is our opinion that it is not of the type likely to have significant environmental effects.

We set out below the information which we consider is of relevance to this matter and which will enable the Council to issue its screening opinion. We would be grateful to receive the Council's opinion within the three week period specified in Regulation 5(5).

Site Location

The site comprises 3 fields' divided by mature hedgerows and mature trees and is approximately 7.3ha in size. The site can be accessed to the north via a gated track on Ferrers Road or a second entrance available on Bondfield Lane, located to the south of the site. There is one Public Right of Way (PROW) which crosses the site, the PROW is accessed from Ferrers Road and then follows the eastern boundary towards an opening on Bondfield Lane. There is also a permissive footpath which runs along the southern boundary of the site, the footpath is accessed from Bondfield Lane and connects to a Public Right of Way located to the field west of the site. This allows the public to walk around the west of the village without using the public highway.

The site is well contained by existing urban form and associated development. The eastern boundary of the site is bounded by a mature hedgerow and existing trees which border the gardens of the dwelling houses on Lightwood Road and Hollys Road. Further east lies the existing built up area of Yoxall. The northern boundary of the site is defined by an existing hedgerow. Adjacent to the northern boundary lies Ferrers Field which holds a children's playground, football pitch and basketball court. Beyond Ferrers Field to the north lies a large parcel of land which is primarily used for agricultural purposes and Savey Lane. The southern boundary of the site is defined by a low lying existing hedgerow and Bondfield Lane. The western boundary is defined by a mixture of trees and existing hedgerow which run the length of the boundary.

Within the site confines the northern most field is a small rectangular parcel of land currently used for agricultural purposes, there are a number of over-head cables which run across this field. The central parcel of land is the largest section of the site, there is a small farmstead placed in the centre of this field. The final section of the site is the southern field, there is a mature tree on the south east corner of the site and some mature trees which border the gardens of the dwelling houses of Lightwood Road.

Development Proposals

Regulation 5(2)(b) requires a screening request to be accompanied by, *"a brief description of the nature and purpose of the development and of its possible effects on the environment."*

The proposals for the application site comprise a residential development comprising up to 170 no. dwellings, with associated open space and landscaping with all matters reserved, including access.

The site could be brought forward for development quickly as no major infrastructure is required to facilitate development of the scale proposed.

Determining whether Environmental Impact Assessment (EIA) is required

The determination of whether an assessment is required rests in the consideration of whether the development is;

- Schedule 1 development - in which case EIA is necessary; or
- Schedule 2 development - in which case EIA is necessary only if the development is likely to have significant environmental effects.

Guidance on assessing whether a development would have significant environmental effects is contained in Schedule 3 to the Regulations.

The proposed development does not meet any of the categories of development in Schedule 1 of the Regulations for which EIA is mandatory. It does, however, fall within Category 10(b) of Schedule 2 of the Regulations 'Urban Development Projects on sites exceeding a 0.5ha'.

Accordingly it is necessary first to consider whether the development is located in a "sensitive area" as defined by the Regulations and whether it is likely to have any significant effects on the environment.

Sensitive Area

The Regulations define sensitive areas as being Sites of Special Scientific Interest (including their consultation areas), land to which Nature Conservation Orders apply, International conservation sites, National Parks, Areas of Outstanding Natural Beauty, World Heritage Sites, Scheduled monuments.

Having consulted the online Magic Map¹ it is confirmed the proposed development is not within a "sensitive area" for the purposes of environmental assessment as set out in the Regulations.

Schedule 3 Selection Criteria

A simple consideration of high level sensitivity is not a robust consideration of the potential effects which could arise from any development. Schedule 3 of the EIA Regulations provides a selection of criteria for Screening Schedule 2 development, which includes three broad categories: the characteristics of the development; the environmental sensitivity of the location; and the characteristics of the potential impacts.

In considering the likelihood of effects arising, we consider it is appropriate at the screening stage to consider the potential effectiveness of mitigation measures and the likelihood that mitigation can result in an effect not being considered to be significant².

The characteristics of the development

The proposed development is for a residential development of up to 170 units. Whilst the site is currently undeveloped, the site is surrounded by residential development and therefore the proposal would not introduce new or different types of environmental effects to the area.

Residential uses do not result in any significant emissions or waste, and do not involve processes which will introduce new pollutants, significant noise or any hazardous materials to the area. It is therefore our view that the characteristics of the development will not give rise to any likely significant effects on the environment.

The location of the development

Schedule 3 of the Regulations indicates that when assessing the environmental sensitivity of an area, particular regard must be had to:

- existing land use;
- relative abundance, quality and regenerative capacity of natural resources; and
- absorption capacity of the natural environment.

¹ <http://www.natureonthemap.naturalengland.org.uk/> (last accessed 12/01/2015)

² This statement follows the logic of the *Bellway Southern v Gillespie* case of 2003, where it was held that all elements of a project, including the potential mitigation to be undertaken as part of that development, can form part of the consideration of whether an effect on the environment is likely or not and that if the remedial measures are "plainly established and plainly uncontroversial" then the case may not necessarily call for EIA.

The site is primarily used for a range of agricultural purposes. The majority of the site is not considered to be sensitive, however some hedgerows, land ponds, ditches and trees along boundaries may be of more interest and it is proposed that, where possible, these are retained or replaced within the proposed landscaping and open space provision on the site. The residential proposals will reflect the character of the existing residential development adjacent to the site, which is not particularly sensitive, although management of the construction process will ensure that no significant effects arise.

The proposal would not have materially adverse (or positive) impacts upon natural resources in the area such that it would require EIA.

The impact of the proposed development on to the following areas is considered below:

- i. Wetlands – Not applicable.
- ii. Coastal Zones – Not applicable.
- iii. Mountain and forest area – Not applicable.
- iv. Nature reserves and parks – Not applicable.
- v. Classified areas – Not applicable.
- vi. Areas where environmental quality standards are exceeded - Not applicable
- vii. Densely populated areas - The site is located adjacent to the existing urban area of Yoxall and the proposal will be of a character and density that is in keeping with the pattern and density of surrounding land uses and which will not adversely affect the capacity of the urban area surrounding it. The characteristics of likely effects on nearby residential uses is considered further below.
- viii. Landscapes of historical, cultural or archaeological significance – The site is not within a Conservation Area, and there are no listed structures on the site. There is nothing intrinsically important or special about the quality of the landscape on or surrounding the site in environmental terms.

The characteristics of any potential impact

Schedule 3 of the Regulations requires potentially significant effects to be considered having regard to: the extent of impact / geographical area of affect; any transfrontier effects; the magnitude and complexity of the impact; the probability of impacts; the duration, frequency and reversibility of such.

We consider that development of up to 170 dwellings is of a scale which can only be considered to be of local importance. The development is similar in nature to the surrounding housing and will not have any complex, hazardous or significant environmental effects which suggest that the area is not suitable for this type of development in environmental terms. There will be no trans-frontier effects arising from the development and the nature of effects likely to arise is considered further below.

We consider the following matters to be relevant to the environmental considerations of the proposals and the characteristics of any potential impact on these matters is set out below.

- **Arboriculture:** Mature trees and established hedgerows are located on the perimeter boundary of the site. The proposals would seek to retain these wherever possible and will also include new landscaping which will be designed to compensate for any trees lost as a result of the proposal.
- **Archaeology:** Archaeological investigations have not identified any significant constraints that cannot be mitigated by planning condition.
- **Air Quality:** The site is not located within an Air Quality Management Area (AQMA) which suggests that relevant air quality objectives are not close to the national target values. Therefore it is not considered the impact of the proposals are likely to be significant.
- **Drainage and Flood Risk:** The Environment Agency Flood Map confirms that the entire site lies within Flood Zone 1 and is considered to be at a low risk of flooding. A site wide drainage system will be designed to ensure that run-off rates and discharge are limited to the existing rates with an allowance for climate change.

- **Ecology:** The site is not sensitive in ecological terms; however, the scheme design would include the retention where possible of any habitats which are potentially of value, including the existing trees, land ponds, ditches and hedgerows. The scheme will also provide some new habitats, including landscaping, open space and garden areas. The site has not yet been surveyed for the presence of protected species; however, it is considered that if any protected species are using the site, then it should be possible to employ a range of tried and tested mitigation techniques to ensure that the relevant habitats or species are protected, replaced or relocated to a suitable area of the site which will not harm their inherent interest.
- **Highways and Transportation:** Given the scale of the proposed development, the impact of the proposed development in traffic, transport and highways terms is not considered to be significant. The site occupies a sustainable location within walking distance of shops, local schools, services and community facilities. The area is also not sensitive to traffic borne pollution and therefore no significant effect is likely.
- **Noise and Vibration:** The proposed development is not of a scale or nature that will create additional noise and/or vibration nuisance during the operational phase. The effects during the construction phase will be short term and will cease when construction ends. Best practice measures, including restricted hours of working and proper maintenance of plant and machinery, will assist with ensuring that construction stage noise does not cause a nuisance.
- **Sustainability / Energy:** The proposed dwellings will deliver high levels of energy efficiency in accordance with current Building Regulation requirements.

The Culmination with Other Development

With regard to the potential cumulative impacts with other developments, local planning authorities should have regard to the possible cumulative effects with any existing or approved development. There are occasions where the existence of other development may be particularly relevant in determining whether significant effects are likely, or even where more than one application for development should be considered together to determine whether or not EIA is required.”

In relation to existing development, it is important to note the proposed site is surrounded by existing employment and residential development. It is not expected that the addition of up to 170 residential properties would result in significant effects when considered alongside the existing uses.

In relation to large scale applications in the vicinity of the site, we do not believe that there are any other major residential or employment development schemes which may, when combined with the proposed development, result in a cumulative impact requiring an EIA. The assessment takes into account the application for 40 dwellings on Hadley Street approx. 650m north of the site (reference P/2014/00184).

There are several potential residential sites surrounding the boundary of Yoxall which may come forward in the next five years, although we do not believe those sites will lead to cumulative impacts requiring an EIA, when considered alongside the site.

Conclusion

Having regard to the above consideration of the relevant criteria and thresholds set out and explained within the Regulations, it is evident that the proposal is not a Schedule 1 development but is considered to fall within those developments listed in Schedule 2.

The site is not considered to be sensitive, and a review of the site and location indicates that the chances of significant effects arising on this site itself are minimal. The characteristics of the development are identical to adjacent land uses and receptors including nearby residents and the water and air environments,

ecological receptors are either not affected by, or can be protected from, adverse effects using standard and commonly employed mitigation techniques.

The effects which are likely to arise from the proposed development have been considered and it is concluded that **none of the likely effects are considered to be significant to warrant EIA.**

For the reasons set out above, the proposals are not considered to be of a scale or character that would be likely to have significant environmental effects on the environment.

This consideration of issues which may give rise to potential effects on the environment has highlighted matters where further detailed assessment would be appropriate to accompany any planning application on the site. Nonetheless, these issues are not considered to be significant enough to require EIA and it is concluded that normal planning controls, with tried and tested mitigation techniques can be utilised to address these issues.

This letter takes into account the construction and operational phases of development and it is concluded that the proposal does not comprise "EIA development" as defined in the Regulations. We therefore request that the Local Planning Authority adopts a screening opinion to confirm that no ES is required. In accordance with Regulation 5(5) we look forward to hearing from you within the statutory period.

We trust East Staffordshire Borough Council will adopt this screening opinion as soon as possible so that the planning application can be completed and submitted. **When replying, I would be grateful if you would confirm that you have the necessary authority to do so on behalf of the Council.**

If you need any further information or assistance to enable the Council to determine this application, please do not hesitate to contact me.

Yours sincerely,

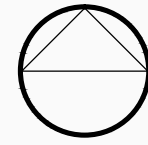
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Enc: Site Location Plan

NOTES:
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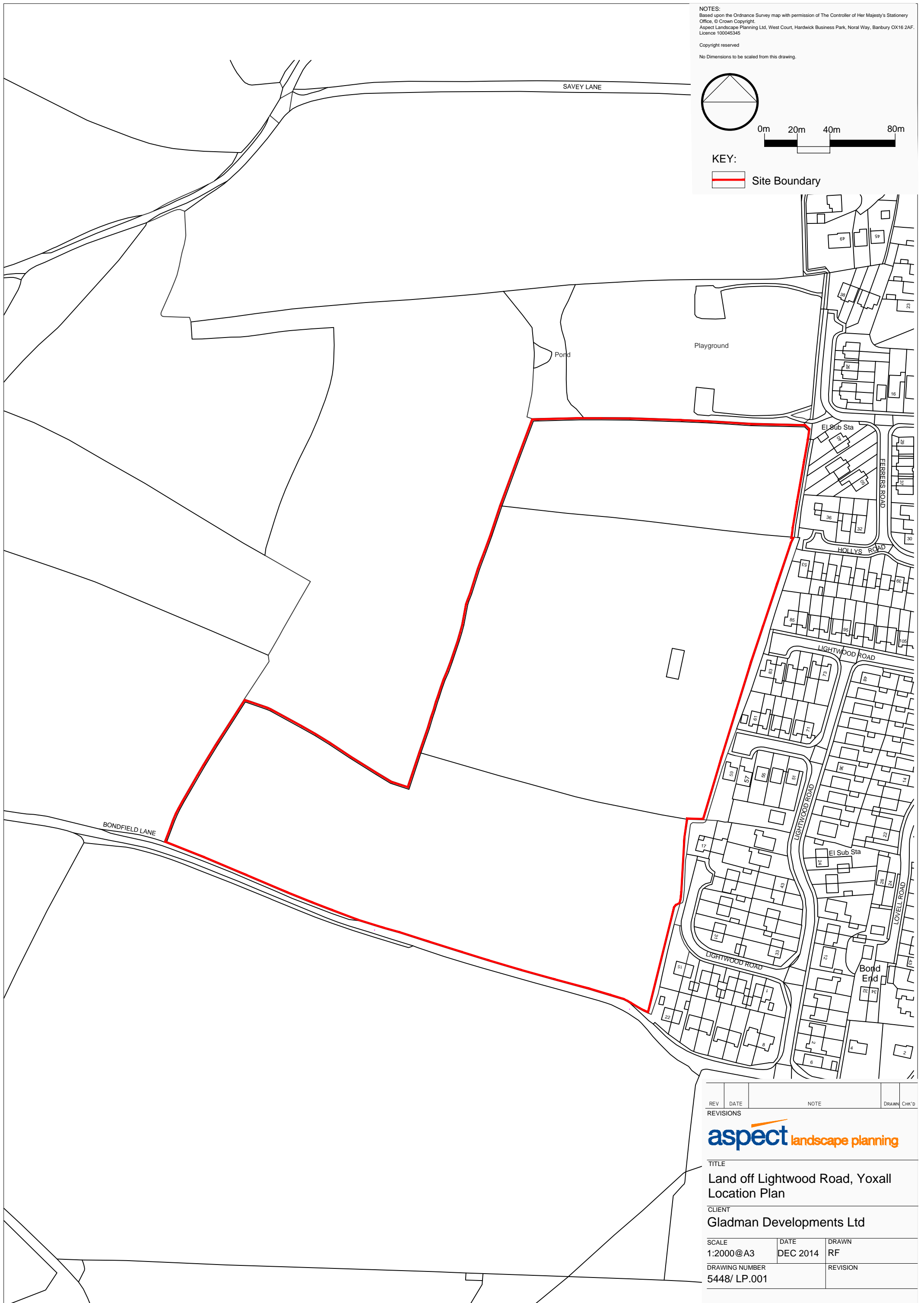
No Dimensions to be scaled from this drawing.



0m 20m 40m 80m

KEY:

 Site Boundary



REV	DATE	NOTE	DRAWN	CHK'D
REVISIONS				
				
TITLE Land off Lightwood Road, Yoxall Location Plan				
CLIENT Gladman Developments Ltd				
SCALE 1:2000@A3	DATE DEC 2014	DRAWN RF		
DRAWING NUMBER 5448/ LP.001		REVISION		