

**THREE RIVERS DISTRICT COUNCIL
ADOPTED SCREENING OPINION
25/0021/EIA**

Date request received: 7 January 2025

Date decision required: 28 January 2025

Request for a 'Screening Opinion' in respect of the following development:

EIA Screening Request: Mixed-use development of up to 260 homes, a care home together with associated parking, open space, landscaping and vehicular access.

Introduction:

The Council has received an application for the above and are required to complete a formal screening opinion under Regulations 5 and 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of these proposals.

Is the project Schedule One? **No**

Is the project Schedule Two? **Yes**

With regards to the descriptions of development and applicable thresholds in Schedule 2, the development is classified as 10(b) Infrastructure Projects – Urban Development Projects. The applicable thresholds and criteria for this development type are:

- (ii) the development includes more than 150 dwellings; or
- (iii) the overall area of the development exceeds 5 hectares.

The proposed development exceeds both (ii) and (iii) as the development includes more than 150 dwellings (up to 260) and the overall area of the development exceeds 5 hectares (circa. 12.7 hectares), and therefore the threshold in Schedule 2 is met.

Is the project in or adjacent to a sensitive area? No.

Note: Regulation 2(1) defines 'sensitive areas', these are:

- Site of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require regard to be had to **Schedule 3** of the Regulations when considering whether an Assessment should be required. The selection criteria is as follows:

1. Characteristics of development

The characteristics of development must be considered with particular regard to—

- (a) the size and design of the whole development;
- (b) cumulation with other existing development and/or approved development;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example, due to water contamination or air pollution).

2. Location of development

The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—

- (a) the existing and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—

- (i) wetlands, riparian areas, river mouths;
- (ii) coastal zones and the marine environment;
- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) European sites and other areas classified or protected under national legislation;
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas;
- (viii) landscapes and sites of historical, cultural or archaeological significance.

3. 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

Consideration of selection criteria in Schedule 3:

1. Characteristics of the development:

- (a) the size and design of the whole development;

The proposed development would result in the provision of up to 260 new residential dwellings (Use Class C3), a care home together with associated parking, open space, landscaping and vehicular access.

The site has an area of approximately 12.7 hectares. It is a greenfield site predominantly comprising agricultural fields divided by a number of hedgerows and Merry Hill Wood to the east. The site adjoins and wraps around Carpenders Park Care Home and a telecommunication mast. A public right of way extends through the site (running east to west), positioned towards its northern edge (Watford Rural 013). To the south west of the site is the Hartsbourne Stream, a tributary of the River Colne and a flood storage area.

Oxhey Lane borders the site to the west, with the settlement of Carpenders Park located beyond on the eastern side of the road.

The north eastern boundary of the site is also the administrative boundary between Three Rivers District Council (TRDC) and Hertsmere Borough Council (site solely within TRDC).

The submitted Concept Plan indicatively suggests 2.29 hectares of residential development towards the western parts of the site along with a care home development comprising 0.4 hectares adjacent to Carpenders Park Care Home. Public open space is also proposed at 2.29 hectares with drainage basins provided at two locations. The submitted information indicates that the maximum building height will be up to 2.5/3 storeys.

The proposal would not be of a size or design that would result in significant cumulative impacts that cannot be considered with detail submitted under a planning application. It is noted that any planning application would need to be informed by supporting documents including a Landscape and Visual Impact Assessment.

(b) cumulation with other existing development and/or approved development;

The EIA Regulations require consideration be given to other existing and/or approved projects.

There are no existing or approved projects within the locality.

It is considered that any impacts arising from construction related matters can be adequately managed through a Construction Environment Management Plan (CEMP) and Construction Management Plan (CMP).

(c) the use of natural resources, in particular land, soil, water and biodiversity;

The submitted details provided suggest that the construction and operational phases will not involve actions which will cause substantial physical changes to the topography of the area.

The development will require consumption of natural resources (eg. land and materials during construction; energy during and post construction; and water during and post construction), however, it is not considered that use of natural resources would be significant. Relevant statutory bodies (eg. water authority) would be consulted at the time of formal planning application and their comments considered at that time.

(d) the production of waste;

Waste would be generated during construction and the submitted EIA Screening Assessment suggests a CEMP (also commonly known as a Site Waste Management Plan (SWMP)) would be provided as part of the planning application. This could cover construction waste and waste following occupation.

No significant effects are anticipated as a result of the proposed development's production of waste either during construction or operation.

(e) pollution and nuisances;

During construction there would be potential for localised noise generation and degradation of air quality through dust and emissions associated with earth movements, use of plant, vehicle movements etc. The submitted EIA Screening Assessment sets out that a Phase 1 Geo-Environmental Assessment, as well as intrusive investigations, would establish the site's pollution status, advising as to the need for any mitigation strategy. An Air Quality Assessment is also likely to accompany any future planning application and would identify mitigation measures where required.

In relation to impacts from construction traffic, a Transport Statement would be submitted with any application and would include a full assessment of transport effects and any necessary mitigation. The LPA would expect a CEMP and a CMP be submitted, and together these would include measures to manage and mitigate construction traffic impacts.

The submitted EIA Screening Assessment notes that a SUDS strategy would deal with surface water drainage. Construction management details could include the management of any spillages during construction works.

The site is within Zone 2, Outer Source Protection Zone (SPZ). The appropriate assessments such as a CEMP, and Drainage Strategy will be submitted as part of any future planning application and will ensure that there are no adverse impacts / suitable mitigation on groundwater during construction / operation.

No significant risk to human health during either construction or operation are anticipated.

The activities associated with the proposed development are not typically associated with hazardous substances or toxic emissions.

No significant effects are anticipated as a result of the proposed development's production of pollution/noise and it is not anticipated that the development would lead to contamination of land or water.

(f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;

Given the nature of the proposed use, the risk of major accidents/disasters is considered to be limited. Similarly, risks during construction can be managed through adherence to relevant Health and Safety legislation/best practice requirements and use of appropriate planning conditions, eg. Construction Management Plan.

(g) the risks to human health (for example, due to water contamination or air pollution).

It is considered that appropriate measures can be put in place, whether that be during construction (eg. CEMP) or operation, and controlled by necessary planning conditions to mitigate against any potential risks.

The characteristics of the development are not considered to give rise to significant environmental impacts in this case.

2. Location of development:

(a) the existing and approved land use;

The site is wholly within the Metropolitan Green Belt comprised of undeveloped agricultural fields. To the immediate west is a care home while to the immediate east is woodland.

The proposal would change the use from agriculture to residential, and a Ground Contamination Report would review any mitigation necessary to accommodate this land use.

The environmental sensitivity of the site is not considered to give rise to significant environmental effects and impacts will be localised and capable of being controlled through the development management process.

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

No areas of high quality or scarce resources.

There is vegetation (largely to field boundaries) and the site is considered to have some ecological and biodiversity value. However, the development is unlikely to result in significant effects on the capacity of natural resources on the site, and improvements and benefits to biodiversity can be sought and secured with any planning application. Mandatory biodiversity net gain would also likely apply.

The site is entirely within Flood Zone 1 (lowest risk of flooding). The submitted information is clear that sustainable drainage systems would be utilised (i.e attenuation basins).

No significant effects are anticipated as a result of the development's impact on natural resources.

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

- (i) wetlands, riparian areas, river mouths;
- (ii) coastal zones and the marine environment;
- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) European sites and other areas classified or protected under national legislation;
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas;
- (viii) landscapes and sites of historical, cultural or archaeological significance.

There are no designated sites within or immediately adjacent to the site. The nearest SSSIs are Harrow Weald and Bentley Priory (approximately 2.8 and 3.5km to the south east) and Croxley Common Moor (approximately 4.3km to the north west).

There are no non-statutory sites within the site boundary, although several Local Wildlife Sites within the vicinity, the nearest being located directly to the south of the site, along the eastern boundary of Oxhey Lane.

There is a river / tributary to the south of the site including the Hartsbourne Flood Storage Area, a designated flood risk asset with a buffer of 10m. This buffer is to be retained between any development. Consequently, it is considered that any impacts arising from the development can be adequately mitigated.

The site is not located within or in close proximity to any coastal zone or marine environment.

The site is not located within or in close proximity to any mountain or forest area.

The site is not located within or in close proximity to any nature reserve or park.

The site is not located within or in close proximity to any area/site protected under EU legislation.

The site would be located relatively close to the built up edge of Carpenders Park.

The site is not located within an area of historical, cultural or archaeological significance.

No significant effects are anticipated as a result of the absorption capacity of the natural environment. Impacts on the adjacent 'sensitive area' can be managed via mitigation / conditions as appropriate.

3. Types and characteristics of potential impacts

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected):

Changes will occur to the area as buildings and associated infrastructure are proposed to be constructed on land where no built form currently exists. While these impacts would largely be localised, there are likely to be public viewpoints of the development site including from the public footpaths (Watford Rural 013 and Bushey 025) within and adjacent to the site, as well as from adjacent roads.

The development site is located beyond the edge of the existing residential settlement of Carpenders Park to the west, with the only built development on the eastern side of Oxhey Lane pertaining to the Carpenders Park Care Home and a telecommunication mast.

It is considered that the majority of impacts would only affect the immediate area, however, there may be views of the site from further away. The impacts regarding traffic would affect road users passing through the area.

(b) the nature of the impact:

The Landscape Character Assessments identify the site as being located within National Character Area (NCA) 111; 'Northern Thames Basin; and within the Distinct Area of the 'Hertfordshire Plateaux and Rivers Valleys' identified within the NCA. The Hertfordshire Landscape Character Assessment (2005) identifies the site as being located within the Bushey Hill Pastures LCA.

The development of the site would impact on the visual amenity and character of the area and its landscape. A landscaping scheme could be dealt with as part of a planning application to supplement retained planting. A Landscape Visual Impact Assessment (LVIA) would be expected to accompany a planning application, and it is expected this would be capable of specifying necessary mitigation measures.

The massing, layout and visual impact of the proposed buildings would also be considered as part of any planning application.

The submitted EIA Screening Assessment states that ecological surveys have been undertaken which confirm that the site comprises neutral grassland, with a limited species diversity. As such, there is the potential for impacts on ecology and biodiversity. Whilst work has commenced on understanding these impacts, further surveys will be required and mitigation measures where necessary will be incorporated on site. Relevant surveys would be required with any subsequent planning application, however, ecological effects are expected to be localised and are not considered likely to lead to significant environmental effect. It is recognised that there is a mandatory requirement to ensure an overall gain in biodiversity of at least 10%.

The proposed development would be likely to result in changes to traffic movements to and from site with an increase in traffic movements as a result of the development. Relevant surveys/reports would be expected to accompany any subsequent planning application eg. Transport Assessment, Construction

Logistics Management Plan, Construction Environment Management Plan, Construction Traffic Management Plan and Framework Travel Plan.

The proposal could result in impacts in respect of noise, however, these are largely expected to be noise effects due to construction and would be of a temporary nature and can be managed with appropriate mitigation.

There could be impacts in respect of air quality due to increased vehicle movements and the nature of traffic.

The site is within Flood Zone 1 and is assessed as having an annual flooding probability of less than 1 in 1000 (0.1%). The submission sets out that it is proposed to incorporate a sustainable drainage system this and would be fully assessed at the planning application stage.

Impacts on nearby heritage assets would be assessed at application stage.

(c) the transboundary nature of the impact;

There are not expected to be any transboundary effects as a result of the proposed development.

(d) the intensity and complexity of the impact;

The intensity and complexity of any impacts are unlikely to be unusual or significant.

(e) the probability of the impact;

There is likely to be an impact due to additional urbanisation compared to the existing situation due to the impact of built development compared to the existing situation.

The magnitude of the visual impact of the development on the landscape will be assessed through the LVIA.

The proposed development would be likely to result in changes to traffic movements to and from site with an increase in traffic movements as a result of the development. The impact on highway safety and the road network will be fully assessed as part of the planning application.

There is potential for impacts on ecology and biodiversity, however, mitigation is to be proposed. Mandatory Biodiversity Net Gain would likely apply.

The site is within Flood Zone 1 and is at low risk of flooding, however, sustainable drainage is required to be incorporated.

Noise impacts would arise, however, these are likely to be focussed on the construction phase.

There could be impacts in respect of air quality due to increased vehicle movements.

(f) the expected onset, duration, frequency and reversibility of the impact;

The impact of the proposed residential led development could not be reversed.

Impact of potential additional traffic movements following occupation of the development. These would not be reversible but would not be constant.

Construction traffic would have some impact on the locality; this would be assessed as part of the planning application. Such impact would be temporary.

(g) the cumulation of the impact with the impact of other existing and/or approved development;

It is not considered that there would be significant cumulative effects. Any cumulative effects could be managed through the planning process eg. appropriate planning conditions such as Dust Management Plan; Construction Management Plan (to include vehicle routing) etc.

(h) the possibility of effectively reducing the impact

As part of the planning application a significant number of assessments and surveys would be required to be submitted which would provide mitigation measures.

The submitted EIA Screening Assessment suggests that the operation phase of the development will mitigate impacts through the scheme design and other embedded measures, such as proportionate contributions towards highway improvements, a Travel Plan, landscape and biodiversity enhancements, refuse and recycling management.

Appropriate planning conditions could be attached to any planning permission were they to meet the relevant tests.

Is the proposal EIA development?

The proposal is considered to be Schedule 2 development that is unlikely, having regard to the nature, location and other characteristics of the development, to give rise to significant environmental effects. As such, it is not considered to be EIA development.

Consideration of need for additional information

In accordance with national guidance, Three Rivers District Council has created a list of local requirements for the validation of planning applications. This has been incorporated into a validation checklist which encompasses national requirements (including the application form, the correct fee, ownership certificates and other specific details) as well as local validation requirements. The checklist can be viewed on the planning pages of the Council's website at <https://www.threerivers.gov.uk/services/planning/planning-applications#Planning%20application%20validation>.

Conclusion:

The applicant has requested a Screening Opinion to be carried out.

The impacts discussed above are likely to be relatively limited and thus unlikely to give rise to unusually complex or potentially hazardous environmental effects, other than what would normally be considered in a planning application. Consideration has been given to Schedule 3 of The Regulations and National Planning Practice Guidance to establish whether the proposed development is likely to have significant environmental effects that would necessitate the submission of an Environmental Impact Assessment. The development is only considered to have local effects and is not a particularly sensitive or vulnerable site in EIA terms. The development is neither unusually complex nor likely to have potentially hazardous environmental effects therefore the Council do not consider that an Environmental Impact Assessment is required.

This recommendation does not in any way prejudice the outcome of any future planning application, which will be subject to full consultation, and assessment of the planning issues.

This Screening Opinion has been adopted by Three Rivers District Council.



Kimberley Rowley
Head of Regulatory Services

Date: 27 January 2025

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