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Mr P. McKeown
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14th September 2022

Your ref:

Our ref: UTT/22/2326/SCO

Please ask for Femi Nwanze on 01799 510495
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Dear Mr McKeown

REQUEST FOR EIA SCREENING OPINION UNDER REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 IN RESPECT OF A PROPOSED DEVELOPMENT OF APPROXIMATELY 200 DWELLINGS AT LAND EAST OF STATION ROAD, HENHAM, ELSENHAM, ESSEX

Thank you for your request for a screening opinion in respect of a development proposal on the above site. The site comprises approximately 9.84 ha of arable land. The request relates to a proposed outline planning application for residential development of approximately 200 dwellings.

This letter provides a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) under Regulation 6 of the stated Regulations.

The 2017 Regulations provides guidance in regards to procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations.

Schedule 1 identifies 20 separate categories of development. The Local Planning Authority has considered these categories and does not consider that any relate to the proposed development.

Schedule 2 identifies 13 separate categories of development. Class 10 is 'Infrastructure Projects' and the development proposed falls within the description of sub section - (b) 'Urban development projects'. The Local Planning Authority considers that the proposed development for approximately 200 dwellings exceeds the following thresholds: -

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

The subject site is not, however wholly or partly located in a 'sensitive area' as defined by paragraph 2 (1) of the Regulations.

Having regard to the above, the Local Planning Authority concludes that the proposed development for approximately 200 dwellings constitutes a Schedule 2 form of development as defined by the above-mentioned Regulations. Under these circumstances it is necessary to establish whether or not the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size or location.

Schedule 3 of the Regulations sets out the 3 selection criteria which must also be considered in determining whether the proposed development is likely to have significant effects on the environment. It is noted that the Regulations advise that not all of the criteria will be relevant and that each case should be considered on its own merits in a balanced manner.

The relevant criteria as outlined in Schedule 3 has been set out below: -

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)

The site is located on the north – eastern edge of Elsenham. It comprises a parcel of arable land which is approximately 9.84 ha in size. The subject site is predominantly flat however it inclines slightly towards the east. The site is bounded to the west by the London – Cambridge railway line, to the north – west is Elsenham (train) Station and car park, with commercial buildings beyond. The site is bounded to the north and east by agricultural fields (including a public right of way). Agricultural fields also exist to the south of the site however this site is currently the subject of residential development which is currently under construction further to the grant of planning permission.

The proposed development of the site would have cumulative impacts with existing or proposed (approved) developments in the locality. In particular it is noted that the site immediately to the south is currently under construction for residential development. There would also be an increase in demand for education places, health facilities and other local services and facilities arising from the proposed development.

However it is considered that any potential cumulative impacts can be mitigated by a combination of measures including the implementation of appropriate mitigation measures, appropriate design, adherence to relevant regulations and the use of appropriate planning obligations.

In this respect, it is considered unlikely that there will be significant cumulative effects arising from the proposed development.

A project of this scale would require the use of natural resources, particularly agricultural land (which will be lost) and water. Although there will be a loss of a greenfield site in this location it is noted that some landscape features will be featured in the site's re-development including open space and green infrastructure provision. The site falls within a Mineral Safeguarding Area and the impacts of the proposed development on sterilising mineral resources will need to be undertaken.

Waste will occur as a result of the construction phase, which can be mitigated by way of Construction Environmental Management Plan. Other waste will also occur as a result of the operational phase, and it is expected that this will be dealt with by way of municipal waste collections as appropriate.

The risk of pollution may arise from the historic use of the site for agriculture and the dis-used railway line (north – eastern part of the site) which may affect human health , water and air . Additional risks may arise from nearby sand and gravel extraction pits/works. However, these are matters that can be controlled through the implementation of appropriate remediation works and measures to control pollution.

The scale of the development may lead to increases in pollutants, particularly those associated with vehicular movements. However the site is not located in an Air Quality Management Area (AQMA) .The risks to human health from air pollutants can be appropriately mitigated with the implementation of sustainable transport measures and as such it is not considered that the proposed development will have a significant and adverse impact on local air quality.

Noise, dust and vibration nuisances are highly probable during the construction phase. These are temporary impacts which can be mitigated by way of a Construction Environmental Management Plan. It is noted that the site, and the proposed development is adjacent to a railway station and as such appropriate mitigation measures will be required; however these can be achieved through the use of design based mitigation measures and the use of planning conditions .

Having regard to the location, size and nature of the proposed development, it is considered that risks against accidents and natural disasters can be appropriately mitigated at all stages. It is considered that appropriate measures can be taken to mitigate against foreseeable and unforeseeable accidents/disasters including as a result of climate change through appropriate design measures, implementation of best practice and adherence to appropriate conditions and regulations.

The site is located within Flood Zone 1 and therefore deemed to be at a low risk of flooding. Notwithstanding, appropriate SUDS and drainage measures, will be required to ensure that the development does not give rise to an increase flood risk at this or other sites.

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.

The site consists of approximately 9.8 hectares of cultivated arable land. The location of the site and the current use of the land will mean that the proposed development is likely to result in an impact in respect of biodiversity. However, an Ecological Assessment has been submitted with this request (which comprises of an outline ecological survey and mitigation strategy). The strategy indicates an intention to provide new and enhanced ecological habitats which will result in a biodiversity net gain. Accordingly it is considered that any adverse ecological impacts arising from this proposal can be appropriately mitigated.

The subject site is located within the risk zone for Elsenham Woods SSSI and Hatfield Forest SSSI however it is considered that these sites are a sufficient distance away from the development such that they are unlikely to be adversely impacted by the proposed development.

The subject site is not located in a Conservation Area. However, the site forms part of the setting of the Grade II listed Elsenham Station and Waiting Room; providing a rural/agricultural setting to the station. A built heritage statement has been prepared to assess the heritage aspects of the proposal. This will be reviewed by Conservation Officers in due course and appropriate mitigation measures will be assessed.

The subject development area is also known to contain potentially moderate - significant archaeological remains from the bronze and iron ages and moderate potential for Roman cultivation. An Archaeological desk-based assessment has been undertaken. It is considered that any archaeological remains can be obtained and preserved by planning conditions.

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.

The impacts of the proposals are likely to be confined predominantly to Elsenham. The proposed scale of the development will undoubtedly result in the need for enhancements to the local infrastructure. The proposed development will also result in financial benefits which would be of benefit to both existing and future local communities.

The cumulative impacts of residential development would be permanent if planning permission were to be granted and highly likely to take place. The most significant impacts are likely to be environmental and visual and permanent; adverse impacts can be suitably controlled by appropriate mitigation measures but are not significant in terms of EIA impacts as outlined above.

Conclusion

The proposed development falls within the threshold for development outlined in category 10 (b) Schedule 2 of the Regulations (Urban Development projects). This screening opinion has been undertaken in accordance with the selection criteria set out in Schedule 3 of the Regulations.

Having regard to the issues highlighted above, it can be concluded that with the implementation of appropriate mitigation measures highlighted, the quantum of development proposed can be implemented without resulting in serious environmental harm. Accordingly, the Local Planning Authority does not consider the proposals constitute EIA development.

Yours sincerely

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