

Galliers Homes c/o Helen Howie Berrys Beech House Anchorage Avenue Shrewsbury Business Park Shrewsbury Shropshire SY2 6FG	Date:	6th August 2018
	Our Ref:	18/02760/SCR
	Your Ref:	

Dear Mrs. Howie

**TOWN AND COUNTRY PLANNING ACT 1990**

<b>PLANNING REFERENCE:</b>	18/02760/SCR
<b>PROPOSAL:</b>	Residential Development
<b>LOCATION:</b>	Land at Whittington Road, Oswestry, Shropshire, .

**Applicants:**

Galliers Homes

**Agent:**

Mrs. H. Howie, Berrys, Beech House, Anchorage Avenue, Shrewsbury Business Park, Shrewsbury, SY2 6FG.

**EIA Assessment Officer:**

Mr P. Mullineux, Principal Planner, Shropshire Council

**Decision:**

An Environmental Impact Assessment is required.

**Background**

The Local Planning Authority received on 15<sup>th</sup> June 2018 a request for a screening opinion in accordance with Environmental Impact Regulations 2017 in relation to residential development on land at Whittington Road, Oswestry, Shropshire. The site is allocated in accordance with the Council's SAMDev plan for the residential development of up to 117 dwellings, (ref OSW004), and this policy makes reference to the requirement for a master plan in support of any formal application and acknowledges that the site is sensitive in relation to historic and archaeological matters.

The Council, in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) must screen the proposal in order to establish if an Environmental Statement is required in support of the application. The Council's screening Opinion is based on the relevant EIA Regulations and information

submitted in support of the request. This Screening Opinion is based on the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which came into force on 16th May 2017.

Accompanying the screening request is a letter dated 14<sup>th</sup> June 2018 indicating that the site will be brought forward in two phases, approximately equal in size, with around 50-60 dwellings in each phase on c.4.6 hectares of land each, (9.2 hectares in total), for which a planning application is being prepared for the first phase and an outline planning application for the second phase, with the two phases comprehensively planned through a shared masterplan as required by SAMDev Plan policy S14.1a.

The site as a whole clearly exceeds the thresholds of Schedule 2 10b(iii) development in relation to land area and as acknowledged by the agent in her letter given the site's situation in relation to the Oswestry Hill Fort Scheduled Ancient Monument, it may be considered a 'sensitive area'.

As such the agent has requested confirmation whether an Environmental Impact Assessment is required in relation to:

- (a) A full planning application on the phase 1 half of the site; and
- (b) An outline planning application on the phase 2 half of the site.

The Council consulted with a number of consultees in relation to this request and comments made have been taken into consideration/assisted in relation to the assessment of this screening request.

## 1. **Justification:**

### **Schedule 1:**

Not applicable as the proposed development does not fall within any of the categories listed in this Schedule.

### **Schedule 2:**

Infrastructure projects – urban development 10(b) = applicable threshold - the overall area of the development exceeds 5 hectares.

The development falls into the above-mentioned category owing to the land area to which the letter submitted in support of the screening request indicates the site area in total as 9.2 hectares. (To be submitted as two phases, one in full and the other in outline to which each phase has an area of land amounting to c.4.6 hectares.

## 2. **Sensitive Area Test:**

The site is not within an environmentally sensitive area, as defined in Part 1, Section 2 (1) of the Regulations.

## 3. **Threshold and Criteria Test:**

Schedule 2, column 2 - 10 (b), the area of the development exceeds 5 hectares.

The National Planning Practice Guidance (2014) states that only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a table setting out the indicative thresholds and criteria has been produced. The table also gives an indication of the types of impact that are most likely to be significant for particular types of development. However, 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.

### **SCHEDULE 3 Selection criteria for screening Schedule 2 development:**

#### **Characteristics of development**

1. 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 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).

#### **Analysis:**

The application site is agricultural land located within the setting of the Old Oswestry Hill Fort. The Council's Conservation Manager in response to the screening request confirms there are many designated and non-designated heritage assets around this site that will require consideration through the planning process. The Archaeology Manager's response confirms the development site is located c.295m south-east, and within the setting of the Scheduled Monument of Old Oswestry hillfort, and two adjacent sections of Wat's Dyke (NHLE ref. 1014899). In addition, the proposed development site includes part of the area of system of World War I practice trenches (HER PRN 31654) associated with the former Park Hall Barracks site. As a consequence, it is considered to hold high archaeological interest for early 20th century military archaeological remains. The southern part of the proposed development site is also crossed by the line of the Vyrnwy Aquaduct (HER PRN 21491): a recently refurbished late Victorian and mid-20th century high pressure water main carrying water from the reservoir at Lake Vyrnwy to supply Liverpool.

Whilst it is acknowledged that the site is allocated for housing in accordance with Local Plan SAMDev policy S14.1a (OSW004), this acknowledges the sensitivity of the site and the requirement for extensive landscaping by means of a landscape buffer aligning the northern and eastern boundaries of the site as well as the need for improvements to the Whittington and Gobowen Road junction and the junction of Whittington Road with the

A5/A483 and the incorporation of appropriate buffer areas/uses to existing businesses on Whittington Road.

As such there are cumulative impacts to consider in relation to the development of the site as a whole and its impacts on the setting of the existing landscape, the historic environment and its surroundings. Specialist Historic and archaeology assessments are considered essential.

One impact of development of the site as a whole will be increased vehicle movements on the surrounding public highways. The SAMDev policy clearly requires highway improvements in order to accommodate the development and improvements to highways infrastructure.

The proposal will involve the change of use of agricultural land to residential use and impacts on natural resources such as open farmland and water need to be considered. Impacts on drainage matters will need to be assessed as part of a Flood Risk Assessment submitted in support of any formal application. With consideration to the extensive landscaping required by means of landscape buffers and views into and out of the site in relation to the 'Hill Fort' a landscape and visual impact assessment will be required in support of any formal application.

In accordance with one of the two responses received from the Council's Regulatory Services the proposed development site has been identified as potentially contaminated land because of its past and current industrial related uses. Therefore a detailed site investigation and risk assessment will be required to accompany an application to develop this site.

As the site is also located within close proximity to an existing industrial use, a railway line and a busy junction on the A5 all of which could have significant noise impacts on the proposed development as well as within 50 metres of farm buildings a noise and odour impact assessment will also be required in support of any formal application.

Adequate legislation exists in relation to potential risk of accidents and it is not considered that this aspect requires special consideration via an Environmental Statement.

### **Location of development**

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, 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 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.

## **Analysis**

The site is located on the edge of a built up area of a large market town in North-West Shropshire forming part of and adjoined by open countryside. The site is relatively flat forming a typical agricultural environment. The site itself does not form part of any designated landscape. As referred to by the Council's Conservation Manager in response to the request there are many designated and non-designated heritage assets around this site that will require consideration through the planning process.

In ecological terms the site is not considered to be in a sensitive area as defined in the EIA Regulations.

The site is considered to be within the setting of the Scheduled Monument of Old Oswestry hillfort, and two adjacent sections of Wat's Dyke (NHLE ref. 1014899).

Section 66 of the Planning (Listed Buildings and Conservation Area) Act requires local authorities to have special regard to the desirability of preserving listed building or their settings or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Oswestry Hill Fort is a unique historic setting and landscape landmark that will require detailed consideration in relation to impacts on its setting and consideration to any mitigation in the form of landscaping (if considered necessary). As such a specific Heritage Impact Assessment in relation to the Hill Fort and the surrounding historic built and landscape environment will be required in support of any formal application for development on site as proposed. It is also acknowledged that the SAMDev plan refers to the requirement for a master plan in support of any formal application.

Whilst it is acknowledged by Natural England that the site does not form part of any recognised ecological site of any significance, there are numbers of mature trees within and around the site as well as intervening hedges and trees these will require consideration in relation to any further landscape mitigation in relation to development as proposed. The Council's Planning Ecologist considers any impacts on ecology can be assessed by means of an Ecological Assessment of the land surrounding the proposed development and a discussion of issues relating to protected species which might be present in the area.

Whilst it is acknowledged that within the surrounding area there are scattered farmsteads and dwellings, the site itself is located on the edge and fringes of a more densely populated area, there are no known localised environmental quality failures.

Taking into account the above it is considered that the effects of the proposal on the landscape could be potentially significant cumulatively and that mitigation is almost certainly required. A landscape and visual impact assessment in conjunction with the ecological surveys and historic and archaeology assessments and the rest of the information submitted in support of the application will ensure that these issues can be adequately addressed as discussed above.

## **Characteristics of the potential impact**

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out under 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 special 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.

## **Analysis**

The proposal would result in development that will involve the change of use and re-use of agricultural land and represents development which is considered in principle to be significant and potentially complex and high magnitude in relation to change of use and scale in relation to the surrounding landscape and its current characteristics. The site located on the fringes/edge of a built-up area and subsequently area of significant population. Any issues of concern in relationship to impact it is considered require extensive and careful consideration and a number of specialist surveys/appraisals are required in support any formal planning application and when considering the cumulative impacts as a whole in relation to the site's sensitive location and setting to recognised historic aspects of the landscape and relevant Environmental Impact Assessment Regulations it is considered that these are best addressed via an Environmental Statement in support of any formal planning application.

## **Conclusions**

The area of the development would exceed one of the indicative criteria's as set out in the regulations (Schedule 2 – 10(b) for determining significance and whether or not there is a need for EIA, with reference to Schedule 3 criteria of EIA Regulations and to the guidance set out in the NPPG and noting the considerations set out above in this assessment, it is concluded in relation to cumulative impacts and sensitivity that an Environmental Statement in order to ensure adequate and thorough consideration to landscape, visual and historic character impacts, historic environment, archaeology, surface and foul water drainage, highway impacts, amenity and any ecological impacts arising from the proposal is required. With adequate consideration to these aspects, the Council has not carried out a scoping exercise as the key issue in relation to this development is the cumulative impacts of the potential impacts of the proposal in relation to the surrounding environment.

It is considered that all other points as outlined in Schedule 3 of the EIA Regulations 2017 and reproduced in this Screening Opinion above can be adequately addressed without the need for an Environmental Statement in support of the application.

However, should any details of the proposed development change, or if new information comes to light as part of the application process, then further detail in relation to an Environmental Statement may be considered necessary, if the development is judged to raise further significant environmental impacts. Any additional alterations will need to be assessed by the Local Planning Authority to consider whether this screening opinion remains valid for the amended development. In accordance with Part 2 of the EIA Regulation 2017 5(6) any person has the right to seek a screening opinion from the Secretary of State should they disagree with this the Council's screening opinion.

Yours faithfully,

**Philip Mullineux**

Philip Mullineux

Principal Planning Officer

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