

Application Number: MC/16/3300

Site Address: LAND OFF TOWN ROAD, CLIFFE

Recommendation

Environmental Impact Assessment not required.

Proposal

The application is made under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended by the 2015 Regulations) (the EIA Regulations) for a request for a screening opinion as to whether an Environmental Impact Assessment (EIA) is necessary in relation to a prospective planning application for a residential development consisting of up to 225 dwellings (including up to 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, vehicular access point from Town Road and associated ancillary development.

The proposed works will result in the loss of agricultural land.

Representations

Given the provisions of the EIA Regulations and nature of the proposals there is no requirement to undertake consultations. However the National Planning Practice Guidance (NPPG) on the assessment of need for EIAs, identifies the need to consult with certain public bodies to establish the developments likely effects on sensitive areas. This being the case, consultations have been undertaken with: KCC Ecology and Historic England.

KCC Ecology

KCC Ecology advise:

"If it is accepted that the proposed development is considered Schedule 2 development under the EIA Regulations 2011, the question then is whether the proposal is situated within a 'sensitive area' and/or whether it is likely to have significant effects on the environment.

We advise that the site does not fall into a 'sensitive area', (although note that our comments do not include (d) or (e) within the definitions of 'sensitive area' in the EIA Regulations 2011).

However there is a need to consider whether under Schedule 3 (EIA Regulations 2011) this development would have a significant effect on the environment. In particular the impact the proposed demolition will have on the following designated:

- *Thames Estuary & Marshes Ramsar and SPA (Within 2km of the proposed development)*
- *South Thames Estuary & Marshes Site of Special Scientific Interest (within 2km of the proposed development site)*
- *Chattenden Woods and Lodge Hill (within 600m of the proposed development site)*

- *Tower Hill to Cockham Wood SSSI (within 3km of the proposed development site.)*
- *Medway Estuary and Marshes SSSI, Ramsar and SPA (within 5km of the proposed development site)*

Limited ecological information has been submitted with the Screening opinion to enable us to fully consider if the proposed development will have a significant effect on the environment. But from reading the NE advise letter we understand that bird surveys have been carried out and no birds associated with the SPA/SSSI/Ramsar have been recorded within the proposed development site – therefore we conclude (from the limited information) that it's unlikely that the proposed development site provides functionally linked habitat to the designated sites.

Recreational Pressure on the designated sites.

The North Kent Environmental Planning Group (NKEPG) have produced the North Kent Bird Disturbance Report which focuses on the impacts of recreational activities on the three SPA and Ramsar sites within North Kent. The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPAs.

The proposed development site is within 5km of two Thames Estuary & Marshes Ramsar and SPA and Medway Estuary and Marshes SPA and Ramsar and due to the size of the proposed development we would expect the applicant to contribute to the borough wide mitigation strategy to enable the applicant to demonstrate that the development avoids a likely significant effect on the SPA and Ramsar.

The development is within 600m of the Chattenden Woods and Lodge Hill SSSI and as such the development is likely to result in an increase in recreation within the site. Therefore we advise that any planning application needs to consider the impact an increase in recreation will have on the SSSI and detail what mitigation will be implemented (if any is required).

Based on the above information we are satisfied that (for ecology) that an EIA is not required."

Cliffe and Cliffe Woods Parish Council - have written advising that it would want to see an EIA for the development and it should include :

- Heritage - there are many archaeological finds in the area from bronze age up. This will need to combine desktop ad on-site study. There is a local group that may be able to assist
- Fauna and Flora
- Effects on water table in relation to neighbouring properties caused by drainage of the site.
- Landscape (in relation to Local Land Character Assessment 2011 (including Grade 2 Agricultural land use)

Neighbour Representations.

56 letters of objection to the principle of development have been received. A screening submission under the EIA Regulations does not seek approval of a development scheme, rather it establishes whether the application will need to be made with or without a formal Environmental Assessment. Given the provisions of the EIA Regulations and nature of the proposals there is no requirement to undertake public consultations and it is not considered that any of the letters/e-mails of representation raise any new matters to this screening assessment, which are not already covered by the appraisal below.

Planning Appraisal

This submission is seeking a screening opinion as to whether an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) (The Regulations) will be required in relation to a prospective planning application for a residential development consisting of up to 225 dwellings (including up to 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, vehicular access point from Town Road and associated ancillary development.

The Regulations identify the circumstances when an Environmental Impact Assessment (EIA) will be required to accompany a planning application. For the purposes of The Regulations the proposed development is one that comes within the scope of Schedule 2, i.e. an application for development that may need an EIA to be undertaken so that an Environmental Statement can be prepared to accompany the application. Schedule 2 of the Regulations identifies various thresholds for different categories of development. The submitted application therefore seeks a screening opinion as to whether the proposed development is EIA development for the purposes of The Regulations.

As the proposed development concerns a site of more than 16.2 hectares and up to 225 residential units, it falls within Section 10(b) (Urban Development Projects) of Schedule 2. However the indicative thresholds and criteria set out in the National Planning Practice Guidance (NPPG) advises EIA are unlikely to be required for the redevelopment of land 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 or there is a high level of contamination. The NPPG goes on to indicate indicative thresholds of what it considered to be of "significantly greater scale" and these are:

"Sites which have not previously been intensively developed:

(i) area of the scheme is more than 5 hectares; or

(ii) it would provide a total of more than 10,000 m² of new commercial floorspace; or

(iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings)."

To further assist in determining whether a proposal is to be treated as EIA development, it is necessary to assess it against the selection criteria set out in Schedule 3 to the Regulations. The selection criteria address: the characteristics of the development; (including amongst other things its scale); location (including amongst other things its environmental sensitivity in relation to previous land uses, nature conservation

designations and landscape/heritage/archaeological designations); and nature of any potential impacts having regard to their relative scale.

As mentioned above, this prospective development proposal would be seeking for up to up to 225 dwellings (including up to 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, vehicular access point from Town Road and associated ancillary development up to 225 dwellings (including up to 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, vehicular access point from Town Road and associated ancillary development. The prospective development site is located outside the urban area and adjacent village envelope of Cliffe Woods Village.

This is a "technical application" submitted in relation to The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended). The Regulations identify the circumstances when an Environmental Impact Assessment (EIA) is required either on its own, or in accompaniment with a planning application. It states that all development identified in Schedule 1 must require an EIA, whilst development identified in Schedule 2 may require one. In the latter circumstances the developer will ask for a screening opinion from the Local Planning Authority (LPA) and its purpose is establish whether an EIA is required to assess the proposed works.

Characteristics of the development

With regard to the characteristics of the development, Planning Practice Guidance - Environmental Impact Assessments states that only a small proportion of Schedule 2 developments will require an assessment and gives indicative thresholds. In this regard the proposed development would be classed as an 'urban development project under Class 10b. The threshold for such projects is 1000 dwellings or 5 hectares. The development falls well below the dwelling threshold, but above the site size threshold. However this threshold is indicative only and it is noted that a large part of the site is proposed to remain undeveloped; further the Guidance indicates that in considering the scale of development regard should also be had the sensitivity of the location.

Location of the development

The impact of the development on the following areas is considered:

1. wetland - not applicable;
2. coastal zones - not applicable;
3. mountain and forest areas - not applicable;
4. nature reserves and parks - not applicable;
5. classified areas under the birds directive or habitats directive:

With regard to the location of the development, the site is not located within any of the environmentally sensitive areas identified in Schedule 3. However there is a need to consider whether under Schedule 3 (EIA Regulations 2011) this development would have a significant effect on the environment. In particular the impact the proposed demolition will have on the following designated:

Thames Estuary & Marshes Ramsar and SPA (Within 2km of the proposed development);
South Thames Estuary & Marshes Site of Special Scientific Interest (within 2km of the

proposed development site);
Chattenden Woods and Lodge Hill (within 600m of the proposed development site);
Tower Hill to Cockham Wood SSSI (within 3km of the proposed development site); and
Medway Estuary and Marshes SSSI, Ramsar and SPA (within 5km of the proposed development site).

Limited ecological information has been submitted with the Screening opinion to fully consider if the proposed development will have a significant effect on the environment. But from reading the NE advice letter, it is understood that bird surveys have been carried out and no birds associated with the SPA/SSSI/Ramsar have been recorded within the proposed development site, therefore it is considered that based on the limited information provided that it's unlikely that the proposed development site provides functionally linked habitat to the designated sites.

However, the site is within 2km proximity to two SSSI. Tower Hill to Cockham Woods SSSI are designated for supporting a rich insect fauna, along with geological aspects. Chattenden Woods and Lodge Hill SSSI is designated for containing scarce habitats and breeding birds.

Due to the presence of statutory sites in proximity to the site, the applicants consulted the Discretionary Advice Service of Natural England to seek advice on the potential impacts of the proposed development on designated nature conservation sites and in relation to wintering bird survey methodology. Natural England suggest that subject to the inclusion of good quality green infrastructure within the proposal, appropriate financial contributions towards birds mitigation, appropriate wintering birds surveys and mitigation measures if necessary, and an air quality assessment in respect of impacts upon the Chattenden Woods and Lodge Hill SSSI, they do not expect significant environmental effects.

6. areas of EU quality standards - not applicable;
7. densely populated areas - the development is considered broadly in keeping with the pattern and density of Cliffe Woods village;
8. landscape of historic, cultural or archaeological significance - see below.

Characteristics of the potential impact

The characteristics of the potential impact are assessed below:

1) Transport Impact (Traffic Generation)

It is acknowledged that the proposed development would generate additional traffic onto the local highway network and the planning application will need to be accompanied by a Transport Assessment, which will need to include a Sustainable Travel Plan. However, it is not considered that the level of traffic generated by the proposed development would be such that an EIA would be required.

2 Landscape and Visual Impact

The site is located outside of the urban boundary and the defined village envelope of Cliffe Woods. The site is currently open agricultural space which is in use, although there are no specific land designations for this site contained within the adopted local plan.

The landscape and visual impact of the proposed development when viewed from both the south on Town Road, north-west when viewed from Buckland Road and from the east and within the site when using public footpath RS72 would be affected by this proposal. However, the planning application would need to therefore be accompanied by a Landscape Visual Impact Assessment. The visual impact, although significant would be fairly local. Therefore in this regard an EIA would not be required.

3 Noise and Vibration

Residential properties located to the east of the development site would have some impact resulting from the carrying out of the development. In the event of planning permission being granted, a condition would be imposed requiring the submission and approval of a Construction Environment Management Plan (CEMP). The proposed development would generate some additional noise but this would not be significant, particularly in the context of the noise generated by traffic currently using Town Road. An EIA will not be required in this context.

4 Pollution and Air Quality

The site is not within an Air Quality Management Area and would not have an unusually complex and potentially hazardous effect on the Environment so an EIA would not be required in this context. It is noted that the traffic generated by the development could impact upon the Chattenden Woods and Lodge Hill SSSI and this should be considered as part of an Air Quality Assessment.

5 Waste

Significant quantities of waste would not be generated by the proposed works.

6 Trees

There are trees and hedgerows along the boundary of the application site. It is proposed to retain these as part of the development, and enhance the planting in some locations. As such it is not considered that the development would result in a significant environmental effect in respect of trees.

7 Ecology

The site is agricultural land and is not therefore likely to be particularly ecologically sensitive. An ecological study would be submitted with the planning application, and appropriate mitigation included within the scheme.

The site is not within a designated ecologically sensitive area. However it is noted that the site is within a reasonably close proximity of the Medway Estuary and Marshes Ramsar area however this in itself would be subject to contributions or mitigation action specifically (Under Regulation 61 of the Habitats Regulations). The North Kent Environmental Planning Group (NKEPG) have produced the North Kent Bird Disturbance Report which focuses on the impacts of recreational activities on the three SPA and Ramsar sites within North Kent. The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPAs.

The proposed development site is within 5km of two Thames Estuary & Marshes Ramsar and SPA and Medway Estuary and Marshes SPA and Ramsar and due to the size of the proposed development, the applicant would need to contribute to the borough wide mitigation strategy to enable the applicant to demonstrate that the development avoids a likely significant effect on the SPA and Ramsar.

The development is within 600m of the Chattenden Woods and Lodge Hill SSSI and as such the development is likely to result in an increase in recreation within the site. Therefore we advise that any planning application needs to consider the impact an increase in recreation will have on the SSSI and detail what mitigation will be implemented (if any is required).

Based on the above, it is not considered that the development would result in a significant environmental effect in respect of ecology and an EIA, for ecology, is not considered to be required in this instance.

8 Contamination

There is limited potential for contamination from the previous agricultural use. Investigations may be necessary but an EIA would not be required.

9 Flood Risk

The proposal development site does not incorporate any area that is within flood zones 2 and 3, as defined by the Environment Agency. A Drainage Strategy Report will need to be submitted with the application to ensure that foul and surface waters can adequately be dealt with and in a sustainable way, however, this does not mean that an EIA is necessary. As such it is not considered that the development would result in a significant environmental effect in respect of flood risk.

10 Heritage and Archaeology

The site is not located within or adjacent to a Conservation Area, nor is it located close to any listed buildings, although there is a World War II pill box located on the eastern side of the site close to the public footpath as it accessed the site on the eastern side. The pill box could be viewed as a heritage asset and this would need to be assessed as part of any application; however this is not, on its own considered likely to result in a significant environmental effect.

It is noted that the Parish Council considers there to have been many archaeological finds in the area from bronze age up and that they consider that this will need to combine desktop and on-site study. However, the Council's records do not note the area as one of an area of potential archaeological interest. As such, using the precautionary principle, whilst it is considered that a desk top study with regard to archaeology will be required, an EIA will not be required on the basis of archaeology.

11 Socio Economics

The site is close to the centre of Cliffe Woods village and is in close proximity to amenities and bus stops. Account would need to be taken of the impact on local facilities such as schools, health facilities etc., and where appropriate developer contribution will be sought.

12 In combination effects

Whilst the development is likely to give rise to a number of non-significant environmental effects, these are not expected to result in a significant in combination effect.

Potential cumulative impacts

There are no development proposals, either in consideration or currently consented, of any significant scale immediately adjoining this prospective development. However, there are a number of current planning applications and extant planning applications within Hoo and Chattenden for residential development. This includes a site at Land West of Hoo. There may be cumulative impacts with respect to transport only. However, given the access routes to both sites differ, it is not considered that any significant environmental effects will arise.

Local Finance Considerations

There are no Local Finance Considerations raised by this application for a screening opinion.

Conclusions and Reasons for determination that an EIA is not required

The proposed development has been assessed against the criteria in Schedule 2 and 3 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). It is considered that an EIA is not required as the issues raised by the proposed development and its impact can be addressed by the submission of appropriate supporting documents.

While in applying the criteria in the Regulations together with the advice set out in Planning Policy Guidance these schemes would not be EIA development, it is nevertheless expected that any application will be accompanied by reports addressing: Air Quality Assessment; Biodiversity/Ecological Impact/Nature conservation; Drainage Strategy Report, including both foul and surface water drainage; Economic Impact Assessment; Landscape Visual Impact Assessment; Noise Assessment; Phase I Contamination Assessment; Sustainability Assessment; Traffic Impact Assessment; Tree Surveys;

See draft decision notice