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Planning and Building Control North Somerset Council Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

Date: 27 May 2021

Our ref: 61260/01/JCO/CK/

Your ref:

Dear Sir/ Madam,

The Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as updated)- Request for a formal screening opinion

On behalf of our client, M7 Planning Limited and M7 SW LLP, we request that the Council provides a formal screening opinion to confirm whether there is a requirement for an Environmental Impact Assessment ('EIA') in respect of the proposed development of up to 90 dwellings at land at Mulberry Road, Congresbury.

This request is made in pursuance of Regulation 6 of the Town and Country Planning (EIA) Regulations 2017 as updated by the Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018 (together referred to as 'the Regulations').

To enable your consideration of this issue, we set out below the following information:

- 1 Description of the site and its surroundings
- 2 Description of the proposed development
- 3 Review of the requirement for an EIA

Item 3 is dealt with by reference to a preliminary review of the site and its surroundings and a consideration of the issues set out in the EIA Regulations.

In summary we consider that the proposed development will not give rise to a need for EIA. We outline below the analysis undertaken to reach this conclusion.

1. Description of the site and its surroundings

The site lies adjacent to the settlement boundary of Congresbury. It is bound to the south, west and northwest by existing residential development and agricultural fields to the north, north-east and east.

The site extends to approximately 3.3 hectares and comprises agricultural land that is primarily used for animal grazing. Vehicular access to the site is proposed via the redevelopment of the existing lane to the south of the site which is accessed off Mulberry Road. Two public rights of way (PROW) cross the site providing pedestrian connections to the local street network and surrounding amenities. The PROW also provides walking connections to the wider countryside adjoining the site to the east.

The vast majority of the application site is located in Flood Zone 1, apart from a small section within Flood Zone 3 to the north east corner which includes a pond. A dry ditch runs parallel to the eastern hedgerow



boundary and this will be used to attenuate and discharge the surface water drainage from the site. No residential development or surface water flood attenuation is proposed within Flood Zone 3.

The site boundaries are formed by a range of species rich and species poor trees and shrubs and gardens of adjoining properties. There are no Tree Preservation Orders on site. The site is free from significant environmental constraints such as Green Belt, SSSI and AONB. There are no Listed Buildings on the site. The nearest Listed Building is Park Farmhouse (UID 1129233) which is located approximately 40m north of the site boundary. The setting will be considered within the proposed layout. There are no Air Quality Management Areas in North Somerset at present.

The site is located within the North Somerset and Mendip Bats SAC Consultation Zones A and B. Surveys for bat activity and bat roosting have been carried out in accordance with the North Somerset and Mendip Bats SAC Guidance on Development Version 2.1 (2019).

The site is located within walking distance to a wide range of existing services and facilities, including a convenience store, a bakery, a post office, a takeaway and a butcher (The Precinct, Brinsea Rd), approximately 300m from the site. St Andrews C of E Primary School is located approximately 1km north west of the site. There are also additional facilities including doctor's surgery, pharmacy, pubs/restaurants and hairdressers within 1km from the site.

The site is well located to a variety of amenities using public transport. The Brinsea Road (North and South bound) bus stop is located 400 metres from the site and is serviced by the A2, local service. The X1 Weston Super Mare to Bristol Bus Station service stops at Station Road (approximately 1.4km walking distance), with services every 15 minutes during the day. Yatton railway station is located 2.5 miles to the north west of the site and is accessible on foot or via cycle.

A Site Location Plan is enclosed at **Appendix 1**.

2. Description of the proposed development

The proposed development is for the erection of up to 90 dwellings. The application will be submitted in outline with all matters reserved with the exception of access. For the purposes of this screening request a framework plan is enclosed at **Appendix 2**.

The proposed description of development for the purpose of this EIA negative screening letter is as follows:

"Proposed development of up to 90 dwellings (Use Class C3 including affordable homes), open space, sustainable urban drainage, vehicular access off Mulberry Road, pedestrian and cycle accesses, related infrastructure and engineering works."

The proposed development comprises a variety of house types and sizes ranging from 1, 2, 3- and 4-bedroom homes which will include homes that cater for first time buyers and the elderly. It is envisaged that 30% of the dwellings will be affordable (subject to viability) and will be delivered through a mix of social rented, affordable rented and intermediate tenures.

As shown on the illustrative masterplan, the proposal would be built around an accessible road/ pedestrian network, informal open space area and a sustainable drainage attenuation feature which will create wetland habitats within the north-east corner of the site. An informal open space area is proposed along the northern and eastern boundary which will incorporate the existing public right of way route, providing a soft boundary for the proposed development. This transitional and informal open space will also incorporate play facilities with existing and proposed hedgerows and tree planting which will create a green corridor, enhancing the habitat corridors and biodiversity network within the site and the wider area.



Vehicular access to the site will be provided from Mulberry Road in the form of a new priority junction. It is however envisaged that the vast majority of pedestrian and cycle movements will utilise the existing PROW connection to the north west of the site. Whilst this is a matter to be agreed at reserved matters stage, it is envisaged that a range of different parking typologies will be utilised, including on plot parking, on-street parking and an overlooked parking court. Electrical vehicle charging points will also be included on-site.

3. Requirement for EIA

The development is one to which the EIA Regulations may potentially not apply because the proposal falls below the threshold of the Schedule 2 criteria as an urban development project. The proposal does not meet the Schedule 2 criteria as the development does not include more than 150 dwellings or exceed an area of 5 hectares (Schedule 2, Part 10(b)(ii)(iii)).

For Schedule 2 developments, the Regulations require that an EIA be undertaken where "the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location". In determining whether the development is likely to give rise to significant environmental effects, reference should be made to Schedule 3 of the Regulations. This identifies three categories of criteria:

- 1 Characteristics of the development (such as size, cumulative effects, use of natural resources, production of waste, pollution and nuisances, risk of accidents and risk to human health)
- 2 Location of the development (by reference to the environmental sensitivity of the area)
- 3 Characteristics of the potential impact (having regard in particular to the extent of the impact, its transfrontier nature, magnitude and complexity, probability and duration, frequency and reversibility)

PPG states that only a small proportion of Schedule 2 development will require an assessment (Ref ID 4-018-20170728). It will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location. PPG goes on to state that it should not be assumed that developments which fall below the criteria thresholds could never give rise to significant environmental effects (Ref ID 4-018-20170728). Overall, the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require an assessment (Ref ID 4-057-2070720).

Regulation 6(4) also requires that when screening, in addition to considering the criteria set out in Schedule 3, it is necessary to consider the results of any relevant EU environmental assessment, which are reasonably available to the person requesting the screening opinion.

In this case, it should be noted that the Habitats Regulation Assessment (HRA) prepared for the adopted North Somerset Core Strategy (January 2017) considers the potential impact of development disturbing European Protected Species, such as Lesser Horseshoe bats within the North Somerset and Mendip Bats SAC. This is also acknowledged within the supporting SPG 'North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development'. However, both documents make reference to a series of mitigation measures that can mitigate potential impacts. The site falls within the North Somerset and Mendip Bats SAC Consultation Zones A and B due to the SAC being located 0.82km to the north-east of the site. Therefore, the proposed development incorporates a series of mitigation measures that specifically address potential impacts on designated sites, as discussed further below.

Development Characteristics

As discussed above, Schedule 2 of the 2017 Regulations (as amended) establishes a threshold of 1 hectare of urban development which is not a dwellings house, 150 dwellings or 5 hectares for screening urban development. The proposed development falls below all three thresholds.



The proposed development site comprises agricultural land that is primarily used for animal grazing. The proposal comprises of dwellings which will re-balance the local housing stock to encourage diversity (including affordable housing), this will also include areas of public open space and hardstanding for the associated car parking and road network.

The size and design of the development is functional in nature and its scale has been determined as sufficient to meet the needs of the proposed uses and is appropriate for the location. The proposed uses are in keeping with the nature and features of the surrounding landscape including the adjacent residential developments, and in this context, will not introduce anything incongruous in scale or nature into the area.

A landscape strategy incorporating ecological enhancement measures is being developed and a dedicated onsite drainage system will be designed to meet surface runoff requirements and will include attenuation facilities located to the north-east of the site to control any on-site flooding from run-off. The landscape strategy will also include the retention and enhancement of existing boundary hedgerows and trees of amenity value, where possible.

Standard construction methods will be applied, and a Construction Environment Management Plan (CEMP) submitted to control working hours, timing of works and methods of working. Any effects during the construction period will be minimised through best practice and can be secured by way of standard planning conditions attached to any grant of planning permission, with details to be submitted and approved by the local planning authority prior to the commencement of development.

There will be some construction waste that would need to be minimised and controlled through a CEMP and Site Waste Management Plan (SWMP); this will ensure that effects are not significant.

There is considered to be a low level of risk to human health (for example, due to water contamination or air pollution) as a consequence of the development, although mitigation would be anticipated to regulate and control the development during the construction and operational stages.

In this context, it is not considered that the characteristics of the proposed development will specifically give rise to significant effects that would result in the need for EIA and is below the thresholds set within Schedule 2 of the 2017 Regulations (as amended) where EIA is more likely to be required. The development is also not considered to give rise to any unusual or significant effects either in themselves or in cumulative with other schemes nearby that would give rise to a need for EIA.

Environmentally Sensitive Location

The site is not within a 'sensitive area' as defined by regulation 2 of the 2017 Regulations (as amended). There are no Scheduled Monuments or Listed Buildings located within the site boundary and the site does not lie within a Conservation Area. The site is not with an Area of Outstanding Natural Beauty ('AONB'), nor is it within an AOMA.

There are four statutorily designated sites within 1km of the site; the North Somerset and Mendip Bats SAC, SSSI, as well as two Sites of Nature Conservation Interest. Further consideration of the potential for the proposed development to impact upon environmentally sensitive locations beyond the site boundary are discussed in the biodiversity assessment below.

Characteristics of the Potential Impact

Consideration has been given to the characteristics of the potential impacts, having regard to the extent of these impacts, their potential trans-frontier nature, magnitude and complexity, probability and duration, frequency and reversibility. Consideration has also been given to whether the impacts could be viewed as unusually complex and potentially hazardous or markedly different in nature.



Taking into account possible environmental interests set out in the 2017 Regulations (as amended) in regulation 4(2), we identify the potential environmental impacts and assess whether these are likely to be significant by virtue of their characteristics.

A preliminary appraisal of the potential for the proposed development to impact on the baseline environment has been undertaken and is summarised as follows:

1. Transport (MBC)

The enclosed Framework Plan shows vehicular access to the site proposed via the redevelopment and widening of the existing lane to the south of the site which is accessed off Mulberry Road. Mulberry Road takes its access from Park Road, linking to Brinsea Road. This vehicular access is 5.5m in width, allowing for bi-directional travel freely. The design of the vehicular access via a priority junction onto Mulberry Road incorporates appropriate levels of visibility splays in both directions.

A formal 2m wide pedestrian footpath is also proposed along the western side of the access into the site. Two public rights of way also cross the site providing pedestrian connections to the local street network and surrounding amenities along with walking connections to the wider countryside adjoining the site to the east.

The Transport Assessment (TA) that has been prepared to accompany the proposed development assesses the impact of the proposed development on the adjacent highway network. In particular the TA considers the impact (in absolute terms) at the following junctions/links:

- 1 B3133 / Park Road;
- 2 B3133 / Venus Street;
- 3 A370 / B3133 High Street (Congresbury Cross), and;
- 4 A370 / B3133 Smallway.

The modelling concludes that that there would not be an unacceptable impact at any local or further afield locations removed from the site access, and that the junctions would operate with minimal additional queuing or delays due to the development. The main impact at any local junction being an additional vehicle every two minutes in either of the network peak hours, and such a level of impact is none other than de minimis.

It also recognises that there are substantial opportunities for sustainable transport to be used due to the locational characteristics of this site, safe and suitable access to the site can be achieved both for vehicles, and by foot, and that the residual impact cannot by any reasonable interpretation be likely to be classed as being severe.

This development will actively manage patterns of growth, and would make the fullest possible use of more sustainable modes of transport due to its proximity to public transport and other community facilities. The site is located to the eastern side of Congresbury and is bounded by residential development to the immediate south and west. There are a range of services and amenities available within walking distance of the site including a primary school, a bakery, a doctor's surgery, pharmacy, pubs/restaurants, a hairdresser, and a convenience store. In addition, the site is within cycle distance to the centre of Yatton with a wider range of facilities including Yatton railway station (approximately 2.5 miles).

In the context of NPPF paragraph 102, the opportunities for sustainable transport are evidently met through this site's context and characteristics. Safe and suitable access to the site can be achieved for vehicles, bikes and by foot and the residual impact cannot by any reasonable interpretation be likely to be classed as being significant. The transportation impacts of the proposed development therefore do not warrant the undertaking of EIA.



2. Water Resources and Flood Risk (QuadConsult Limited)

The majority of the development site is located outside of a high flood risk area within Flood Zone 1, apart from a small section within Flood Zone 3 to the north east corner where a small pond is located. A watercourse runs parallel to the pond and the eastern hedgerow boundary, this will be used to attenuate and discharge the surface water drainage from the site.

Surface water run-off from the impermeable surfaces of the proposed development will be drained at the applicable greenfield run off rate into the surrounding ditch network and storm water attenuation (SUDs) feature at the lowest point of the site (N-E corner). These sustainable drainage attenuation features will also contain a permanent body of water that will provide water quality benefits such as the creation of wetland habitats.

The foul discharge from the site will be drained to a pumping station to the north east of the development from where it will discharge to the existing Foul sewer network, likely to be in Mulberry Road, which is owned and operated by Wessex Water.

The illustrative masterplan has taken into consideration that all development and attenuation features will be located outside of Flood Zone 3. Therefore, the proposed development, with mitigation, will not have an adverse impact on the water environment and EIA is not required.

3. Ground Conditions and Contamination

As the proposal site has not been previously developed, there are unlikely to be any major issues to address and no significant environmental effects are anticipated in respect of ground conditions. The planning application will include a Ground Investigation report.

4. Biodiversity (EAD Ecology)

The application site comprises widespread habitats including poor semi-improved grassland, grazed by sheep, bordered by species-poor and species-rich hedgerows, some with trees. Scattered scrub and tall ruderals are also present around the site's boundaries.

The site has no statutory or non-statutory nature conservation designations, although it forms part of an area identified as the North Somerset and Mendips Bat Special Area of Conservation (SAC) Band A consultation zone. To consider the impact of the proposal upon the SAC, EAD ecology identifies a requirement for landscape buffers to be retained along the eastern boundary of the site.

Ecological studies have been undertaken to inform the future outline planning application. Surveys for bat activity and bat roosting have been conducted in accordance with the North Somerset and Mendip Bats SAC Guidance on Development Version 2.1 (2019). At least seven bat species have been recorded including lesser and greater horseshoe. Several trees within the boundary of the site would be retained as suitable for roosting bats.

The application will be accompanied by an Ecological Impact Assessment (EcIA) Report. The EcIA concludes that there would be no significant adverse, residual impact from the proposed development. Protective measures have been proposed such as mitigating construction lighting through the submission of a Construction Ecological Management Plan (CECOMP) which will be appended to the Construction Environmental Management Plan (CEMP).

Whilst it is acknowledged there will be a minor, residual loss of habitat for foraging bats, off-site habitat enhancement and creation measures will be proposed. This can either be proposed on a site under the control of the applicant, or via a financial contribution to the LPA and can be secured prior to the



commencement of development. As the scheme is proposed in outline, the amount of land required to offset this loss of habitat is not definitive, however it is anticipated that approximately 1.75ha of land would be needed based on the maximum quantum of development.

Other features are also proposed, which include the retention of suitable habitats for amphibians and by incorporating habitat features into the scheme such as bird boxes and bat boxes within some of the buildings proposed.

It is considered that the above EcIA provides the necessary information for the council and its consultees to fully consider the proposals against relevant national and local planning policy concerning nature conservation and demonstrates that significant ecological effects are avoided, mitigated or compensated. In consultation with the council, specific information will be provided concerning usage of the site by horseshoe bats from North Somerset and Mendips Bat Special Area of Conservation (SAC) to enable the Council to undertake Habitat Regulations Screening as appropriate.

5. Archaeology and Heritage (Andrew Josephs Associates)

The application site contains no above-ground Designated Heritage Assets and no known archaeology within the site. However, a geophysical survey will be undertaken to inform the planning application; mitigation measures will be implemented accordingly.

Initial historical research has been undertaken by Andrew Josephs Associates. A 1567 manorial survey of Congresbury indicates that the application site is considered to have been part of a park created within the Middle Ages, this park was associated with the freehold estate of Park Farm that lies to the north of the site. The initial research indicates that there is no evidence for any of the earthworks or heritage features associated with the park to be within the site. Accordingly, if remains are found present within the site through the geophysical survey, the proposal will maintain and respect the ancient boundaries of the park and could mitigate any impact with an appropriate archaeological strategy.

The nearest offsite heritage asset is Park Farmhouse (UID 1129233), a grade II listed building which is located approximately 40m north of the site boundary. The setting of the listed building has been considered within the site layout through the proposal of an ecological buffer between the listed Park Farmhouse and the proposed development (situated alongside the northern boundary). We will also consider how the immediate setting of Park Farmhouse has been converted into two residential units.

Beyond the site are three further Grade II listed assets:

- Collin's Bridge, over the River Yeo (150m north west);
- · Yeoman's Orchard (160m south); and
- Pineapple Farmhouse (125m south).

Given the distances between the proposed development site and the above heritage assets, it is considered that the proposal will not lead to any significant environmental impacts on these cultural heritage receptors.

It is therefore considered that EIA is not required to be undertaken on the basis of the potential for significant impacts on archaeology and heritage receptors.

6. Landscape and Visual Effects (Steele Landscape Design)

A Landscape and Visual Impact Assessment (LVIA) has been undertaken by Steele Landscape Design for the proposed development. The assessment for the site indicates that the site is not within any designated landscape for its scenic quality or beauty.



The site is located on the eastern edge of Congresbury; on flat land above the adjacent River Yeo corridor which is enclosed by ridges to the north. The application site comprises agricultural land used for sheep grazing, this is typical of the surrounding agricultural field patterns with mature and dense hedgerows within the area. The site area slopes slightly from south west to north east. This minor topographical slope aids the flow of surface water drainage into the pond and ditch network at the north east corner of the site.

North Somerset Council's Landscape Sensitivity Assessment (2018) categorises the site's distinctive landscape character type as 'J2 – River Yeo Rolling Valley Farmland'. The Landscape Sensitivity Assessment has also determined the following for the site; "Point 6.3.48: Land to the south-east, at Park Farm is generally flat and is well-enclosed by hedgerows and trees. In addition, there is an allocated development site to the south of this land. Owing to the above, this land is of low sensitivity."

The southern, western, and north-western boundaries of the application site abut existing residential development. The northern, eastern and north eastern boundaries abut agricultural fields. Due to the site's location being adjacent to existing residential developments within the Congresbury area, the proposal would be perceived to be a continuation of the eastern edge of Congresbury, infilling the 'gap' between Park Farm and the residential properties of Mulberry Road. As such, the proposal would integrate reasonably well with the local landscape and is not an immediate and obvious feature within views from the wider surrounds.

Mitigation

The LVIA sets out a number of features that will ensure mitigation for any potential effects of the development. Landscape and visual mitigation are proposed through the following measures:

- 1 Provision of new landscaping features;
- 2 Ensuring development is set back from the boundary of the site, aligning with the surrounding area (particularly Park Road and Mulberry Road)
- 3 Extensive tree planting to screen views of the proposed development from sensitive areas;
- 4 New hedges and shrubs areas;
- 5 Ecological buffers (along the northern boundary) and an attenuation basin that will also enhance and diversify wildlife habitats; and
- 6 A high quality, landscaped route for the existing PRoW footpaths.

The report concludes that the site could accommodate the proposed development without any significant effects within the wider study area.

It is considered unlikely that the development will result in significant adverse impacts to landscape character or visual amenity, which would give rise to the need for EIA.

7. Arboriculture (JP Associates)

JP Associates carried out a tree survey of the site in accordance with BS5837:2012. This was to identify the quality and value of existing trees on site, allowing decisions to be made as to the retention or removal of trees in the case of any development. The constraints posed by the trees will be incorporated into the design of the scheme.

The proposed illustrative masterplan indicates that the site tree constraints have been taken into account, therefore, higher category trees are retained. Additionally, the majority of the lower quality trees and hedgerows would also be retained and will act as appropriate features for residential development. Crucially,



several of the retained trees within the boundary of the site would be suitable for roosting bats. The proposed informal/ open space to the east of the site will also include clustered tree planting as part of the landscape proposals, this would mitigate the removal of any low-quality trees which form a low proportion of what is present on site.

It is therefore not considered that EIA is required due to impacts on arboricultural receptors.

Planning Submission

Whilst the applicant is not prejudging the decision of the LPA in its response to this request for a formal screening opinion, the project team is of the opinion that its work demonstrates that significant environmental effects will not arise. The team considers that there are a number of technical disciplines for which standalone reports will be required and these will form part of the formal planning application submission. None are of an individual or collective magnitude that would require the EIA procedures to be followed.

Should the local planning authority conclude that there is not a requirement for the EIA procedure to be followed; the technical documentation that will be submitted to assist the Council with its determination of the planning application will include:

- 1 Planning Statement (Lichfields);
- 2 Design & Access Statement (M7 Planning);
- 3 Transport Assessment and Travel Plan (MBC);
- 4 Ecological Impact Assessment (EcIA) Report (EAD Ecology);
- 5 Landscape and Visual Impact Assessment (Steele Landscape Design);
- 6 Flood Risk Assessment and Drainage Strategy (QuadConsult Limited); and
- 7 Heritage Statement/ Surveys (Andrew Josephs Associates).
- 8 Arboricultural Impact Assessment (JP Associates)

Conclusion

For the reasons set out above and having regard to the criteria set out at Schedule 3 to the 2017 Regulations (as amended) and the baseline information available, it is clear that the proposed development is not expected to give rise to any significant environmental effects that would warrant the undertaking of EIA.

We trust that you have sufficient information to determine whether this is an EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). From these Regulations, we note that the local authority has three weeks (beginning from the date of receipt) to form a screening opinion and to provide the main reasons for this opinion having regard to the relevant criteria listed in Schedule 3. If adopting a negative screening opinion, we note that the LPA must also state any features of the proposed development and measures envisaged to avoid and prevent what might have otherwise been, significant adverse effects on the environment.

Please contact me or Liz Evans (Liz. Evans@lichfields.uk) if you have any questions.

Yours faithfully

Cem Kosaner

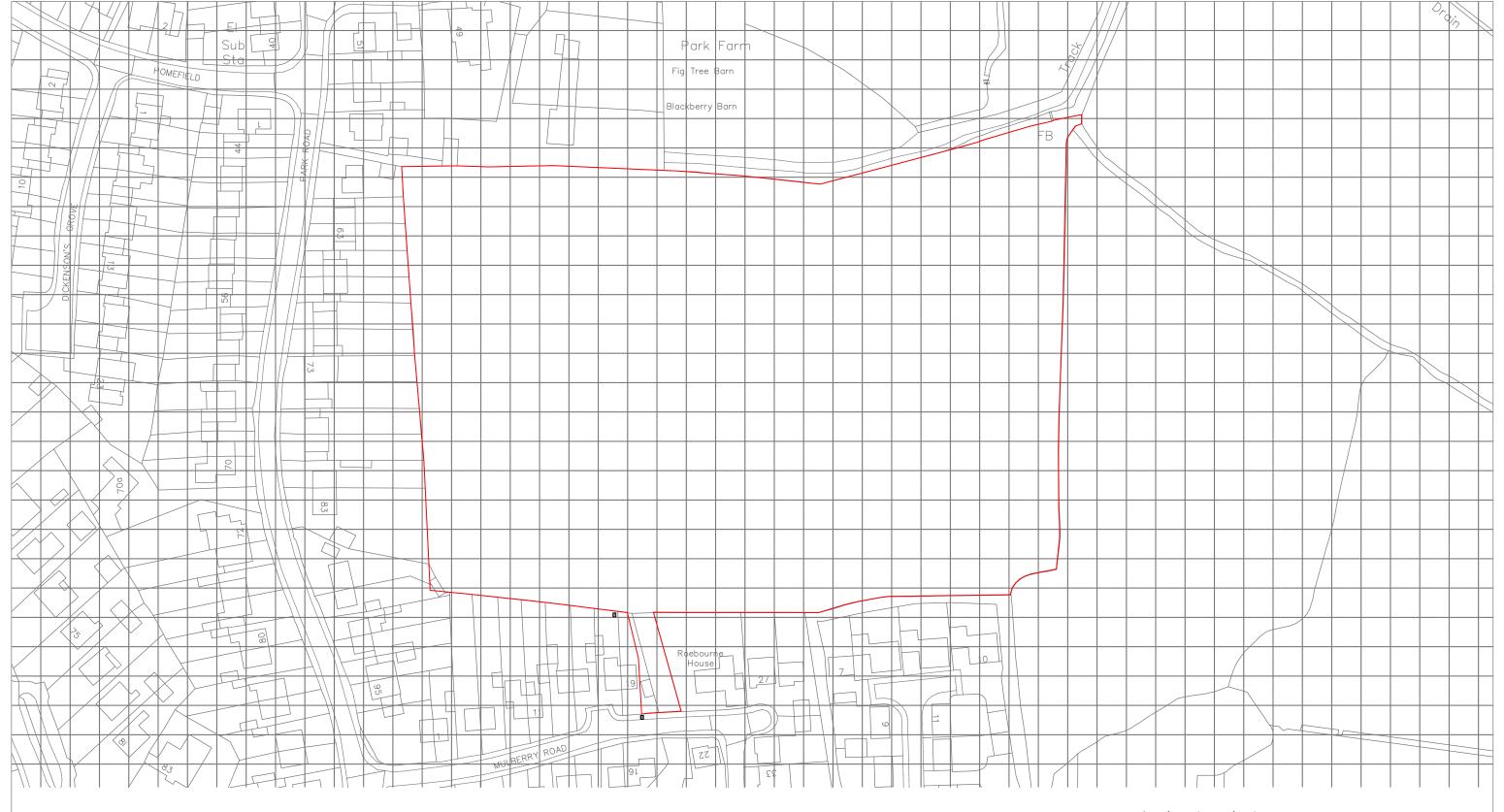
Planning Director

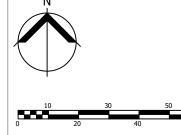
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Enc.

Appendix 1 – Site Location Plan Appendix 2 – Framework Plan

Appendix 1: Site Location Plan





Job.No | Drawing No. | Project

MR50001 | 1000 Pineapple Farm, **Mulberry Road, Congresbury**

Drawing Title

Site Location Plan

Date: 01.03.2022 Scale: 1:1250 @A3 Drawn by: TF Revision: /



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Appendix 2: Framework Plan



MR50001 Pineapple Farm, Mulberry Road, Congresbury

Framework Plan_25.02.2021



Proposed Attenuation Basin



Informal Footpath Link



Indicative Road Layout



Appendix 2: Economic Benefits

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The economic benefits of

Land at Mulberry Road, Congresbury

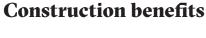
The proposed development offers the opportunity to stimulate economic growth and assist in meeting the need for housing in North Somerset and add to local authority revenues.



The proposal



New homes of which 27 affordable homes (30%)











92 JobsConstruction jobs

(FTE jobs p.a over the 2.5 year build period)



138 Jobs

Supply chain jobs (indirect/induced 'spin-off' FTE jobs supported p.a)



Operational and expenditure benefits



Local Authority revenue benefits

