

Appendix 5.2 Scoping Opinion



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Our Ref: 5/24/1602
Please ask for: George Burgess
E-mail: planning@stalbans.gov.uk
Date: 7 November, 2024

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT (ENVIRONMENTAL IMPACT
ASSESSMENT) (ENGLAND) REGULATIONS 2017**

Site: Land Between Bower Heath Lane and Common Lane, Harpenden

Description of Development: Scoping Opinion - Development of up to 520 residential units, 60 bed extra care facility, new neighbourhood centre (c.1 acre of commercial / community use) and 2FE Primary School (including early years provision)

Applicant: Crest Nicholson Partnerships and Strategic Land

I refer to your Environmental Impact Assessment Scoping Report dated September 2024, prepared by Stantec.

Thresholds and Criteria

The Scoping Report at paragraph 2.3.1 confirms the proposed development, which can be summarised as:

- Up to 520 residential units;
- Up to 60 bed extra care facility;
- New neighbourhood centre (c. 1 acre of commercial / community use); and
- Two form-entry primary school, including early years provision.

It is noted that the Applicant intends to submit an Environmental Statement (ES) voluntarily. The “Thresholds and Criteria for the identification of Schedule 2 development requiring Environmental Impact Assessment and indicative values for determining significant effects” as set out in the National Planning Practice Guidance indicates that in relation to development falling under Part 10(b), Schedule 2 of the EIA regulations that:

- “(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
(ii) the development includes more than 150 dwellings; or*

(iii) the overall area of the development exceeds 5 hectares”.

It is considered that the proposals would be far in excess of these thresholds and therefore expected to constitute EIA development. Should you wish to submit a request for a screening opinion in the interest of completeness, the local planning authority can provide its formal view on the matter.

Turning to the scoping report, this has been the subject of consultation in accordance with the Environmental Impact Assessment (EIA) Regulations.

It is considered that the scope of the EIA proposed by you requires amendment to increase the scope in respect of Population and Human Health and Noise and Vibration. The scope of the EIA must reflect the comments outlined in this Scoping Opinion and the accompanying consultation responses. In addition to the topics which the Applicant's Scoping Report states are to be 'scoped in', the following matters should also form part of any ES and need to be 'scoped in':

- Climate change; and
- Waste.

Consultation responses are enclosed with this letter. You will note the specific points which have been made by the consultation bodies and you are required to have regard to these in full, as well as responding to the points made in the body of this letter. Please ensure that the points raised are included in your EIA and addressed in your subsequent ES.

Some responses have been received from local residents, and these raise issues that would need to be addressed when any planning application is submitted. They do not raise any issues that would require additional matters to be "scoped in" to the EIA, over and above those additional matters set out in this letter and the attached consultation responses.

POPULATION AND HUMAN HEALTH

Scoped in.

Table 4.3 of the Scoping Report states that the spatial assessment area for jobs/employment is SACDC's administrative boundary for both the construction and operational phase. The 'justification' column states that this area has been chosen as the proposed development would 'support jobs and provide employment opportunities for SACDC residents'. However, the employment opportunities are also likely to be taken up by people outside of the District. Similarly, the spatial assessment area for household expenditure is SACDC's administrative boundary. The 'justification' column states that the additional households created through the proposed development would 'generate expenditure through spending on day-to-day services and shops within SACDC'. However, future residents would also spend money outside of the District, not least because the site is close to the District boundary. As such, the effects relating to jobs/employment and household expenditure should consider a wider spatial assessment area.

The Scoping Report provides little detail of how the effects on 'wider human health' will be assessed. A Health Impact Assessment (HIA) must be included as part of the EIA. The comments from HCC Public Health (dated 23 September 2024) should be taken into account when preparing the HIA.

LANDSCAPE CHARACTER AND VISUAL AMENITY

Scoped in.

The comments of HCC Landscape (dated 7 October 2024) should be taken into consideration when preparing this chapter.

The Scoping Report states at paragraph 5.2.6 and in Table 5.1 that the site is within Landscape Character Area 104: Thales End Plateau. However, as noted in the comments from HCC Landscape and as shown in Figure 7: Landscape Character Areas at Appendix C of the Scoping Report, the site is within the following Landscape Conservation Areas:

- Landscape Character Area 33 – Upper Lea Valley; and
- Landscape Character Area 34 – Blackmore End Plateau.

BIODIVERSITY

Scoped in.

The comments of Natural England (dated 27 September 2024) and HCC Ecology (dated 30 October 2024) should be taken into consideration when preparing this chapter.

TRANSPORT AND ACCESS

Scoped in.

The comments of HCC Highways (dated 9 October 2024) should be taken into consideration when preparing this chapter.

Paragraph 7.3.43 of the Scoping Report states that a minor effect is considered less likely to be 'Significant' but will be subject to professional judgement. However, Table 7.3 indicates that 'Minor' effects are not significant. Similarly, paragraph 7.3.45 only states that major significance effects and moderate significance effects would be 'Significant'. The approach to determining whether an effect is 'Significant' should be clarified in the ES and applied consistently.

NOISE AND VIBRATION

Scoped in.

The comments from the Environmental Compliance Officer (dated 1 November 2024) should be taken into account when preparing this chapter.

AIR QUALITY

Scoped in.

The scope of this chapter is considered acceptable.

CULTURAL HERITAGE

Scoped out.

It is considered acceptable to scope this topic out, in line with the Applicant's Scoping Report.

With regard to below ground heritage, the Scoping Report states that an Archaeology Assessment will be submitted as part of the planning application. The District Archaeologist's comments (dated 28 October 2024) state that archaeology can be scoped out of the EIA if there is a commitment to undertake a programme of archaeological work at both the pre-determination and post-determination stages. The comments of the District Archaeologist and HCC Historic Environment should be taken into account when preparing the Archaeological Assessment that supports the planning application.

CLIMATE CHANGE

Scoped in.

The Scoping Report proposes to scope climate change out of the ES, with paragraph 3.2.3 stating:

"The Proposed Development is being brought forward in accordance with the principles of sustainable development. It will be designed to ensure that it is resilient to changes in climate and will not adversely impact on climate (i.e. carbon emissions). New homes associated with the Proposed Development will be built in accordance with Future Home Standard 2025 which aims to ensure that all new build homes are future-proofed in relation to energy efficiency and low carbon heating. This means that when the electricity grid has been decarbonised, they will become zero carbon homes. The embedded landscape design will provide climate resilience through new planting and use of sustainable drainage systems (SuDS). Transport mitigation, discussed in more detail in Chapter 7: Transport and Access, will reduce reliance on single use journeys by car and will place more focus on active travel, all of which will ensure a reduction in carbon emissions."

This approach and justification are not considered to be complete or adequate. The approach does not meet the requirements of the EIA Regulations, within which Schedule 4(5)(f) states that a description of the likely significant effects of the development should include *"the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change"*.

Given the scale of development proposed, there is potential for significant environmental effects relating to climate change. Climate change should therefore be **scoped in** to the EIA.

The assessment of likely significant effects regarding climate change mitigation and adaptation should include a consideration of greenhouse gas emissions arising from activities and traffic associated with both the construction and operation of the proposed development. The chapter should also include an assessment of the potential impacts of climate change on the proposed development during both construction and operation.

AGRICULTURAL LAND

Scoped out.

It is considered acceptable to scope this topic out, in line with the Applicant's Scoping Report.

WATER RESOURCES AND FLOOD RISK

Scoped out.

It is considered acceptable to scope this topic out, in line with the Applicant's Scoping Report.

The comments of Thames Water (dated 20 September 2024) notes several points that will need to be addressed in any planning application. The comments of the Lead Local Flood Authority (dated 9 October 2024) should be taken into account when preparing the Flood Risk Assessment for the proposed development.

DAYLIGHT, SUNLIGHT AND OVERSHADOWING

Scoped out.

It is considered acceptable to scope this topic out, in line with the Applicant's Scoping Report.

WIND MICROCLIMATE

Scoped out.

It is considered acceptable to scope this topic out, in line with the Applicant's Scoping Report.

WASTE

Scoped in.

Waste issues should be **scoped in** to the EIA as the site has the potential to generate a significant amount of waste and a significant environmental impact.

ACCIDENTS AND DISTASTERS

Scoped out.

It is considered acceptable to scope this topic out, in line with the Applicant's Scoping Report.

GROUND CONDITIONS AND LAND CONTAMINATION

Scoped out.

It is considered acceptable to scope this topic out, in line with the Applicant's Scoping Report.

CUMULATIVE EFFECTS

In respect of cumulative effects, it will be necessary to take account of outline planning application 5/2023/0327 for “*Construction of up to 550 dwellings including circa. 130 Class C2 integrated retirement homes, 40% affordable housing, early years setting, public open space, allotments and publicly accessible recreation space*” at Land at Cooters End Lane and Ambrose Lane, Harpenden.

The local planning authority is not aware of any other major planning applications or extant consents within the vicinity of the site which would need to be included for Type 2 cumulative assessment purposes.

OTHER MATTERS

Please note the comments made by Hertfordshire Constabulary. These are more relevant to a planning application submission but are included for information and completeness.

Comments have also been received from the following consultees, which have not raised any concerns regarding the EIA scope:

- Active Travel England;
- Affinity Water;
- Design and Conservation;
- Environment Agency; and
- Housing.

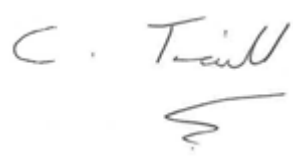
These comments are appended for completeness.

SUMMARY

The scope of the Environmental Impact Assessment must reflect the comments outlined in this Scoping Opinion and the accompanying consultation responses.

You are reminded that detailed comments on the matters scoped in contained within this letter and the appended scoping responses must be taken into account in full in the Environmental Impact Assessment.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'C. Traill', with a stylized flourish underneath.

Christine Traill
Strategic Director – Community and Place Delivery
St Albans City & District Council

Encl responses from:

Active Travel England
Affinity Water
Archaeology
Contaminated Land Officer
Design and Conservation
Environment Agency
Environmental Compliance
Hertfordshire Constabulary
HCC Ecology
HCC Highways
HCC Historic Environment
HCC Landscape
HCC Lead Local Flood Authority
HCC Minerals and Waste
HCC Public Health
Natural England
Thames Water