

**Mr G Stephens  
Marrons Planning**

## **SCREENING OPINION**

### **THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND & WALES) REGULATIONS 2017**

**Application No. : SCR/2018/0456  
Registered on : 15/02/2018**

**Re Site at : Land off Tamworth Road**

**Description of Development: EIA SCREENING OPINION- Residential development for up to 550 dwellings with associated access, parking, landscaping, public open space and associated infrastructure on land between Tamworth Road and Fivefield Road**

**Applicant : Bellway Homes**

This proposal falls within Schedule 2 of the above Regulations (an 'Urban Development Project') & therefore the City Council is charged to assess (a "screening opinion") whether the above development is likely to have significant effects on the environment such that the application should be accompanied by an Environmental Impact Assessment in the form set out in Part I & II of Schedule 4 to those Regulations

This screening opinion has been undertaken in accordance with the selection criteria set out in Schedule 3 to the Regulations.

#### **SENSITIVE AREA**

The site is not a Sensitive Area as defined by Regulation 2(1).

#### **CHARACTERISTICS OF DEVELOPMENT**

The proposal is to develop agricultural land for up to 550 dwellings with associated public open space, landscaping and infrastructure.

#### **LOCATION OF DEVELOPMENT**

The site is located north-west of Coventry City and is part of the Kerseley Sustainable Urban Extension as allocated within the Coventry Local Plan adopted in December 2017.

## **ASSESSMENT**

This letter is supported by a 'Screening Opinion Checklist' which details the specific issues surrounding development within this location. The checklist concludes that an Environmental Impact Assessment is **REQUIRED**, by virtue of the cumulative impact of the development itself and the wider Sustainable Urban Extension (SUE).

The case of Commercial Estates Group Ltd V SSCLG (2014) EWHC 3089 has been brought to attention to help with making an assessment. In this case the local authority had identified land which it considered suitable for an urban expansion. Draft core strategy documents proposed constructing 4,500 houses as part of the project. The Local Authority's screening opinion indicated that it was not an EIA development; the Secretary of State concurred with this opinion; a rival developer challenged this position in High Court. The High Court refused permission to challenge the decision.

In the Commercial Estates case, Judge Stuart-Smith J noted the following: "European Guidance described cumulative impact as being impacts that result from incremental changes caused by other past, present or reasonably foreseeable action together with the project". Reference at paragraph 24 of the judgement should also be noted. "The test to be applied on screening is well established; in Loader v SSCLG (Loader) (2012) what emerges in the test to be applied is the project likely to have significant effects on the environment.....the commission guidance recognises the value of the national guidance and planning authorities have a degree of freedom in appraising whether or not a particular project must be made subject to an assessment."

Reference was also made in the Commercial Estates Case to the case of Hockley V Essex CC. It is important to make reference to the following from the Judgement, "a precautionary approach informed the screening process, but it involved what was essentially a fact finding exercise and where the questions of "likelihood' and "significance" were concerned, the exercise of judgement. Those were tasks for the decision maker (the Local Planning Authority) (LPA)) subject to supervision by the Court on normal public law principles. The screening exercise had been informed by material which was sufficient to enable the assessment to be made and the main potential effects on the environment were identified. The opinion itself was logical, the right questions had been asked, the relevant criteria used and a reasoned analysis produced. These conclusions were within the range of reasonable planning judgement and it was therefore beyond the courts power to intervene in the resulting planning decision.

In light of the above, it is considered that as part of this request for a screening opinion the LPA should consider potential cumulative effects of the propose development in relation to the wider site allocation.

By way of background, planning permission has been granted for up to 800 dwellings under reference OUT/2014/2282. Initially a development of up to 400 dwellings was proposed on the site relating to OUT/2014/2282 and a screening direction was provided by the Secretary of State dated 18<sup>th</sup> April 2012, which considered that the development did not require an EIA. At the time, the Kerseley SUE had not been allocated and therefore there was no reasonably foreseeable development proposals coming forward within the local area which was predominantly designated Green Belt.

Following the adoption of the Coventry Local Plan in December 2017, the Kerseley SUE has been adopted as a land allocation for residential led development for up to 3100 dwellings. Although the SUE is recognised as having various land owners there is a real likelihood of development coming forward within the land allocation within the plan period.

Notwithstanding the decision made under OUT/2014/2282 and the associated screening direction from the Secretary of State, each case must be assessed on its own merits. Having regard to the criteria in Schedule 3 of the 2017 Regulations, the proposal **is** considered to have significant effects to the environment by virtue of factors of its nature, size and location to warrant an EIA.

## **CONCLUSION**

Under delegated powers it is determined that an Environmental Impact Assessment is **REQUIRED** for the above development.

Decision Date : 20/03/2018



Head of Planning & Regulation

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS  
2017 SCREENING MATRIX**

<b>1. CASE DETAILS</b>		
<b>Case Reference</b>	SCR/2018/0456	<b>Brief description of the project / development</b> The proposed erection of up to 550 dwellings (Use Class C3), access, parking, landscaping, public open space and associated infrastructure.
<b>Appellant</b>	Bellway Homes Limited c/o Marrons Planning	
<b>LPA</b>	Coventry City Council	
<b>2. EIA DETAILS</b>		
<b>Is the project Schedule 1 development according to Schedule 1 of the EIA Regulations?</b>		No
<b>If YES, which description of development (THEN GO TO Q4)</b>		Click here to enter text.
<b>Is the project Schedule 2 development under the EIA Regulations?</b>		Yes
<b>If YES, under which description of development in Column 1 and Column 2?</b>		10 b ii and iii
<b>Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?</b>		No
<b>If YES, which area?</b>		Click here to enter text.
<b>Are the applicable thresholds/criteria in Column 2 exceeded/met?</b>		Yes
<b>If yes, which applicable threshold/criteria?</b>		The development is for over 150 dwellings (part ii) and the site area exceeds 5 hectares (part iii)
<b>3. LPA/SOS SCREENING</b>		
<b>Has the LPA or SoS issued a Screening Opinion (SO) or Screening Direction (SD)? (In the case of Enforcement appeals, has a Regulation 37 notice been issued)</b>		No
<b>If yes, is a copy of the SO/SD on the file?</b>		N/A
<b>If yes, is the SO/SD positive?</b>		<SELECT>
<b>4. ENVIRONMENTAL STATEMENT</b>		
<b>Has the appellant supplied an ES for the current or previous (if reserved matters or conditions) application?</b>		N/A

**WHEN COMPLETING THIS DOCUMENT IN RELATION TO AN ENFORCEMENT APPEAL, THE UNDERSIGNED OFFICER HAS HAD REGARD TO THE PROJECT AS ALLEGED IN THE RELEVANT ENFORCEMENT NOTICE WHEN REFERRING TO THE PROJECT / DEVELOPMENT.**



<p><b>Question</b></p>	<p><b>(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons</b> (Yes/No or Not Known (?)) or N/A)</p> <p>Briefly explain answer to Part 2a and, if applicable and/or known, include name of feature and proximity to site <b>(If answer in Part 2a / 2b is 'No', the answer to Part 3a / 3b is 'N/A')</b></p>	<p><b>(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?</b> (Yes/No or Not Known (?)) or N/A)</p> <p>Is a significant effect likely, having regard particularly to the magnitude and spatial extent (including population size affected), nature, intensity and complexity, probability, expected onset, duration, frequency and reversibility of the impact and the possibility to effectively reduce the impact? If the finding of no significant effect is <b>reliant on specific features or measures</b> of the project envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment <b>these should be identified in bold.</b></p>
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**1. NATURAL RESOURCES**

<p><b>1.1</b> Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area?</p>	<p>Yes</p>	<p>The proposed development would alter the topography of the site by introducing urban development in the form of dwellings and associated development to a site which comprises of fields and natural landscaping, previously within designated green belt.</p>	<p>No</p>	<p>The impacts of the development in this respect are not considered to be significant as the development area includes the provision of <b>green corridors; new native planting; ancient woodland offset and; attenuation areas.</b></p>
<p><b>1.2</b> Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials/minerals or energy which are non-renewable or in short supply?</p>	<p>No</p>		<p>N/A</p>	
<p><b>1.3</b> Are there any areas on/around the location which contain important, <b>high quality or scarce resources</b> which could be affected by the project, e.g. forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>		<p>N/A</p>	

Question	<b>(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons</b> (Yes/No or Not Known (?) or N/A)		<b>(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?</b> (Yes/No or Not Known (?) or N/A)	
<b>2. WASTE</b>				
<b>2.1</b> Will the project produce solid wastes during construction or operation or decommissioning?	Yes	During the construction phase of development and the lifetime of the occupation of the site there would be solid waste produced.	No	As with all other major development, any subsequent planning approval would be subject to the <b>provision of adequate waste management and disposal</b> during construction and occupation.
<b>3. POLLUTION AND NUISANCES</b>				
<b>3.1</b> Will the project release pollutants or any hazardous, toxic or noxious substances to air?	Yes	The proposed development would increase the number of occupants on site and therefore increase occupants of the area and vehicular movements in the local area etc.	No	As with all other major development, any subsequent planning approval would be subject to <b>air quality assessments and appropriate mitigations</b> if required.
<b>3.2</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	The proposed development would increase the number of occupants in the local area and in turn increase noise.	No	The amount of noise generated from future occupants is not considered to be significant to warrant an Environmental Impact Assessment.
<b>3.3</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	The existing use of the land is agriculture and equestrian.	No	The change in land features could lead to contamination being found on site; however as with other major developments, any subsequent planning approval would be <b>subject to relevant surveys and ground tests</b> being carried out, following which <b>appropriate mitigation</b> can be identified and implemented.
<b>3.4</b> Are there any areas on or around the location which are already subject to pollution or environmental damage, e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	Yes	Coventry is designated as an Air Quality Management Area since 2009. Emissions from road transport is a major source of pollution in the city.	No	All major development is expected to be supported by the submission of a full <b>air quality assessment</b> .

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<b>4. POPULATION AND HUMAN HEALTH</b>				
4.1 Will there be any risk of major accidents (including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning?	No		N/A	
4.2 Will the project present a risk to the population (having regard to population density) and their human health during construction, operation or decommissioning? (for example due to water contamination or air pollution)	No		N/A	
<b>5. WATER RESOURCES</b>				
5.1 Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The site area predominantly discharges to the Hall Brook (sometimes via a network of ditches and smaller watercourses), an ordinary watercourse flowing through the site. There are also some surface water flow paths. There is also a potentially elevated Groundwater level on this site.	Yes	The site is predominantly Greenfield. The proposed development will result in an increased percentage impermeable area (PIMP), hypothetically increasing both the rate and volume at which water discharges to the Hall Brook. However if: <b>appropriately designed Sustainable Drainage Systems (SuDS) providing discharge rate controls and volume reduction are implemented; the capacity of the Hall Brook is not restricted or reduced (e.g. through culverting); and an appropriately sized blue-green corridor is provided</b> , then consequent flood risk associated with the Hall Brook will not increase. To reduce the risk of surface water flooding, <b>Surface water flow paths should also be considered within the site masterplan.</b>



Question	(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)
		There is also an opportunity to reduce flood risk to the downstream catchment. See Local Plan Policy EM4(2): "All opportunities to reduce flood risk in the surrounding area must be taken, including creating additional flood storage."

## 6. BIODIVERSITY (SPECIES AND HABITATS)

<p><b>6.1</b> Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the project? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local))).</p>	Yes	<p>Particular attention needs to be given to the adjacent ancient woodland and Local Wildlife Site Pikehorne Wood and Kerseley Mere and The Alders. An EIA should assess the potential impacts, both direct and also <b>in-direct</b>, such as disturbance through increased recreational impact, lighting, noise and dust.</p> <p>Land off Tamworth Road includes a number of locally-valuable habitats, such as hedgerows, ditches, ponds and stream.</p> <p>Whilst the application will consider protected species, their associated survey requirements and mitigation, consideration should be given to overall habitat and species loss.</p> <p>This potential loss needs to be considered <b>in combination with</b> other development sites in the area. The site is one part of a large urban extension in combination with other sites coming forward for development. As such, the likely cumulative impact on habitats and species needs to be included in an EIA process.</p> <p>The Hall Brook, an ordinary watercourse, flows through the site. Although not classified for</p>	<p>Yes</p> <p>Any formal application would be required to submit an <b>Ecological Survey</b> which identifies any special features/protected areas and appropriate mitigation.</p> <p>The land uses of the proposed development could decrease the quality of water discharging to the Hall Brook. This can be mitigated if <b>appropriately designed Sustainable Drainage Systems (SuDS) provide on-site water treatment in a SuDS management train.</b></p> <p>As well as protecting the Hall Brook's existing environmental value, there is also opportunity for improvements through <b>river restoration</b>. See Local Plan policy EM4 (2c): "all opportunities to undertake river restoration and enhancement including de-culverting, removing unnecessary structures and reinstating a natural, sinuous watercourse will be encouraged".</p>
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Question	<b>(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons</b> (Yes/No or Not Known (?)) or N/A)		<b>(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?</b> (Yes/No or Not Known (?)) or N/A)	
		ecological value, please note the following. The Brook is part of the Water Framework Directive (WFD) water body GB109054044660 (Sowe – confluence of Breach Brook to confluence of Withy Brook).This water body currently has a Overall WFD classification of Poor (2016), including a Poor Ecological classification; the target classification assigned by the Severn River Basin Management Plan (regional) is Moderate by 2027. Additionally, the Coventry Brooks and rivers are described as a priority Sub-catchment area in the Warwickshire Avon Catchment Plan (p7)(regional). Therefore the development should not impact negatively upon the water quality and value to biodiversity of the Hall Brook. In fact, there is a strong case for environmental enhancement of the Hall Brook through the development.		
<b>6.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	Land off Tamworth Road includes a number of locally-valuable priority habitats, such as hedgerows, ditches, ponds and stream. Potential for the site to support nesting birds, bats, reptiles, water vole and great crested newt all need to be considered through the ecological impact assessment process; priority species such as hedgehog and common toad also.	Yes	Any formal application would be required to submit a full <b>Ecological Survey</b> which identifies any special features/protected areas and <b>appropriate mitigation</b> in the form of planting, open spaces and overall masterplan of any scheme.
<b>7. LANDSCAPE AND VISUAL</b>				
<b>7.1</b> Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high	Yes	The wider area is recognised regionally as being part of the 'Ancient Arden' Landscape Character.	No	The site is part of a wider allocation for Kerseley which has been adopted through the adoption of a new Local Plan adopted in December 2017. The Ancient Arden landscape character is recognised regionally and Coventry City Council

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landscape or scenic value on or around the location which could be affected by the project? <sup>1</sup> Where designated indicate level of designation (international, national, regional or local).				is drafting a Design Guide for development within this landscape character. Any formal application would be subject to detailed design discussions with CCC Urban Designer to ensure that development proposals are in accordance with Design standards for this locality.
<b>7.2</b> Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)	Yes	The site is bound with Tamworth Road to the West and Bennetts Road South to the East, both of which are classified roads, used by many people as main commuter roads.	No	Any development would not result in any adverse impact in respect of views and viewpoints and would be designed to positively respond to the local character.
<b>8. CULTURAL HERITAGE/ARCHAEOLOGY</b>				
<b>8.1</b> Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).	Yes	Much of the site is identified as being of archaeological interest. There are possible Mesolithic to early Bronze Age settlement.	?	Any formal application would be subject to <b>archaeological site surveys and assessments</b> by CCC Archaeology Officer. If any remains are found, planning approval would be subject to conditions relating to <b>programme of works, evaluations watching briefs.</b>
<b>9. TRANSPORT AND ACCESS</b>				
<b>9.1</b> Are there any routes on or around the location which are used by the public for access to recreation or other	Yes	There are existing public footpaths which run across the site.	No	It is proposed to <b>retain the public footpaths and provide additional footpaths in the green corridors</b> proposed in the development;

<sup>1</sup> See question 8.1 for consideration of impacts on heritage designations and receptors, including on views to, within and from designated areas.

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facilities, which could be affected by the project?				as such no significant harm is considered to occur as a result o the proposed development.
<b>9.2</b> Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No		N/A	
<b>10. LAND USE</b>				
<b>10.1</b> Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.	Yes	The site is located to the north and west of existing residential settlement of Coventry. This includes community facilities, educational and health facilities.	No	The proposal would not have a significant impact on existing facilities and settlements as the wider housing allocation includes the <b>provision of facilities to serve the allocation</b> . These are proposed to be located to the north and south of the Kerseley allocation.
<b>10.2</b> Are there any plans for future land uses on or around the location which could be affected by the project?	Yes	The site is part of the Local Plan Housing Allocation 2:1 Sustainable Urban Extension	No	
<b>11. LAND STABILITY AND CLIMATE</b>				
<b>11.1</b> Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	No		N/A	

Question	<b>(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons</b> (Yes/No or Not Known (?)) or N/A)		<b>(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?</b> (Yes/No or Not Known (?)) or N/A)	
<b>12. CUMULATIVE EFFECTS</b>				
<b>12.1</b> Could this project together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?	Yes	The site is part of the Local Plan Housing Allocation 2:1 Sustainable Urban Extension which has an allocation for 3100 houses. As part of this application, there is an Outline planning approval for up to 800 dwellings with a local centre, retail and commercial units, a primary school and public open space (OUT/2014/2282).	Yes	By virtue of the spatial extent, proposed increase in population, intensification of urban development, resultant increases in vehicle movements in the local area and complexity of the various applications for the housing allocation, the proposed development is considered to have a significant environmental impact.
<b>13. TRANSBOUNDARY EFFECTS</b>				
<b>13.1</b> Is the project likely to lead to transboundary effects? <sup>2</sup>	No		N/A	

<sup>2</sup> The Regulations require consideration of the transboundary nature of the impact. Due to the England’s geographical location the vast majority of TCPA cases are unlikely to result in transboundary impacts.

## 5. CONCLUSIONS – ACCORDING TO EIA REGULATIONS SCHEDULE 3

For the following reasons and under delegated powers it is determined that an Environmental Impact Statement is **REQUIRED** for the above development:

1. The proposed development is Schedule 2 development (10b – Urban Development Projects) whereby (ii) the development includes more than 150 dwellings and (iii) the overall area of the development exceeds 5 hectares, and;
2. The proposed development site is part of a wider site allocation (Kerseley Sustainable Urban Extension) and there is an extant outline planning permission for 800 dwellings for part of the housing allocation.

## 6. SCREENING DECISION

<b>If a SO/SD has been provided do you agree with it?</b>	N/A
<b>Is it necessary to issue a SD?</b>	N/A
<b>Is an ES required?</b>	Yes

## 7. ASSESSMENT (EIA REGS SCHEDULE 2 DEVELOPMENT)

### OUTCOME

<b>Is likely to have significant effects on the environment</b>	ES required	✓
<b>Not likely to have significant effects on the environment</b>	ES not required	
<b>More information is required to inform direction</b>	Request further info	

<b>NAME</b>	Pooja Kumar
<b>DATE</b>	20 March 2018