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8 October 2019

Planning Department
Borough of Broxbourne
Bishops' College,
Cheshunt,
Hertfordshire,
EN8 9AF

FAO: Mr Doug Cooper

Dear Mr Cooper

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2017
REQUEST FOR SCREENING OPINION FOR PROPOSED DEVELOPMENT AT LAND EAST OF
DELAMARE ROAD, CHESHUNT, E8 – PHASE 1A**

On behalf of our client, Cheshunt Lakeside Developments Ltd, we write to you under Regulation 6(1) of the Town and Country Planning (Environmental Impact Regulations) 2017 ("the Regulations") to request a Screening Opinion for Phase 1A of the proposed development at Land East of Delamare Road, Cheshunt, E8.

Background

On 2 August 2019 outline planning permission with all matters reserved other than access (ref. 07/18/0461/O) was granted for the:

"Demolition of existing buildings and structures and the redevelopment of the site for a residential-led mixed use development including basement parking and servicing comprising up to 1,725 apartments (Use Class C3 (including elderly accommodation)), up to 19,051 sqm (GIA) of commercial and non-commercial floorspace including business (Use Class B1), retail (use classes a1, a2, a3 and a4) and community and leisure uses (Use Classes D1 and D2), a two form entry primary school, the creation of a new local centre plaza and link access from windmill lane, plus associated works for landscaping, flood attenuation, works to existing waterways, parking areas, pedestrian, cycle and vehicular routes."

Our client proposes to submit an application to Broxbourne Borough Council for reserved matters consent pursuant to outline planning permission 07/18/0461/O for 195 residential dwellings, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.

The extent of the Site and the proposals are shown on the following Drawings:

- D1000 Rev 03 - Site Location Plan;
- D3110 Rev 01 - Block Plan; and
- D3200 Rev 01 – Proposed Ground Floor Plan.

The Site of the proposed development extends to circa 1.52 ha.

The Site

The Site forms part of the wider Cheshunt Lakeside development which was granted outline planning permission in August 2019 and comprises Land East of Delamare Road.

The Site comprises Parcel 11 of the wider Cheshunt Lakeside development, as shown on the approved enclosed Phasing Plan (Ref. 3034-D6290-rev01).

The Site is accessed from Delamare Road.

The Site is not located in a conservation area and the buildings are not listed.

The Proposed Development

The reserved matters application to be submitted to Broxbourne Borough Council will seek permission for 195 residential dwellings, plus associated works for landscaping, car parking areas, pedestrian, cycle parking and vehicular routes.

227 residential car parking spaces are anticipated. 195 cycle parking spaces are anticipated.

The development proposed by the reserved matters submission will be in accordance with the scale and quantum of development proposed within this area of the proposed development set out at the outline application stage and does not materially deviate from the parameters defined by the consented outline planning permission.

Condition 28 attached to outline planning permission 07/18/0461/O states that applications for the approval of reserved matters with Parcel 11 should not exceed 195 units. The proposed development is in compliance with this condition.

Associated works will include the creation of a new access to and from Delamare Road, the creation of car parking and provision of landscaping and drainage to and from the Site. The external areas will be landscaped.

Determination of Whether EIA Required

'EIA development' is defined as development which either falls within Schedule 1 of the Regulations or is Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Schedule 3 of the Regulations sets out the selection criteria for screening of Schedule 2 development.

It is our assessment that the proposed development would not fall within any part of Schedule 1 of the Regulations. The proposal is not for an agricultural, aquaculture, industrial or processing, infrastructure or other project.

Schedule 2 of the Town and Country Planning (Environmental Impact) Regulations 2017 identifies an EIA may be required for urban development projects which;

- i. 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.*

The proposed development does not include more than 1 hectare of urban development which is not dwellinghouse development, nor does the overall development area exceed 5 hectares.

The proposed development includes more than 150 dwellings. However, it is considered that any impact of development on the Site on the environment has already been considered in relation to the outline permission which was supported by an Environmental Impact Assessment. The EIA submitted in relation to the outline permission identified mitigation measures which ensured that there were no unacceptable impacts on the environment arising from the development. All such mitigation measures are controlled through either planning conditions or the S106 Agreement, all of which apply to the proposed development.

In our opinion, the proposed development which would be subject of the forthcoming reserved matters application represents no greater a scale of development than that approved by the outline permission and as such will not give rise to any environmental impacts which have not already been considered and concluded to be acceptable as part of the outline consent.

Setting aside the above, for completeness we request that the Council assesses the proposed development against the criteria set out in Schedule 3 of the Environmental Impact Assessment Regulations 2017, and determine whether an Environmental Impact Assessment is required.

We would highlight that regardless of the Council's conclusions, the reserved matters application submission that is proposed will include up to date Statements addressing:

- Design and Access
- Energy & Sustainability
- Transport
- Landscape and Green Infrastructure
- EIA Statement of Compliance addressing:
 - Air Quality
 - Daylight and Sunlight
 - Ecology
 - Ground Conditions and Contamination
 - Noise and Vibration
 - Socio- Economics
 - Sustainability and Climate Change
 - Transport
 - Water, Resources, Flood Risk and Drainage
 - Wind Microclimate
 - Townscape and Visual Impact

The EIA Statement of Compliance will confirm that the conclusions within the EIA submitted as part of the outline consent remain the case for the reserved matters application.

Assessment of Significant Effects

Schedule 3 of the Regulations sets out the selection criteria used to determine whether a development falls within Schedule 2 and therefore whether EIA may be required

What may constitute a "significant" effect is to be assessed on the basis of the information available. It is often not possible to make a screening opinion based on full information given the stage the proposals are at. Therefore, the decision should be based on the likelihood of significant effects arising.

Characteristics of the Proposed Development

The proposed development comprises 195 residential units.

The extent of any potential impacts will be localised. The visual impact of the completed development will be limited by virtue of the prevailing character of the surrounding area and appropriate landscaping. It has also been assessed and concluded to be acceptable as part of the HTVIA with the outline consent.

The building heights are consistent with the parameters approved under the outline planning permission, and seek to optimise the Site, which is situated in a sustainable location in close proximity of Cheshunt rail station, without undue harmful impact.

Location of Development

The Site is not subject to any heritage or environmental designations under the adopted development plan. The existing trees on site are not subject to any tree preservation orders.

The Site is not located within Cheshunt town centre and is surrounded by residential uses (there are also commercial and industrial uses adjacent to the site) in keeping with the proposed form of redevelopment.

There are no designated or non-designated heritage assets in the immediate vicinity.

While it has been assessed at the outline stage, an updated assessment of the impact of the proposed development on its surroundings will be assessed as part of the reserved matters planning application against relevant policy considerations.

The application will be accompanied by a suite of technical documents. Based on our current assessment there will be no significant environmental impacts that have not already been assessed and appropriately mitigated as part of the outline consent.

Type and Characteristics of the potential impact

The characteristics of the effects envisaged from the development are not considered to create any additional material impacts to those which were assessed as part of the outline planning application. In considering the potential effects of the proposed development, we consider that the following broad subject areas are relevant:

- Air Quality
- Daylight and Sunlight
- Ecology
- Ground Conditions and Contamination
- Noise and Vibration
- Socio- Economics
- Sustainability and Climate Change
- Transport
- Water, Resources, Flood Risk and Drainage
- Wind Microclimate
- Townscape and Visual Impact

These matters will be addressed in the EIA Compliance Statement submitted with the reserved matters application in any event it is fully expected that the reserved matters are wholly consistent with the outline

permission to the extent that there is adherence to the conclusions within the outline ES and no additional impacts are expected.

Closing

Taking account of the existing and consented uses on the Site, the location, the proposed scale and form of the development, as well as the surrounding context, the proposals are unlikely to give rise to any new or materially different impacts from those assessed as part of the outline planning application

In summary, we are of the view that the proposal does not constitute EIA development and therefore we do not consider that there should be a requirement for the submission of an EIA in relation to the scheme.

We look forward to receiving your formal opinion that an EIA is not required as part of the reserved matters application within three weeks.

If you have any queries or require any further information please do not hesitate to contact Anthony Brogan (anthony.brogan@montagu-evans.co.uk / 020 7866 8629) or Emily Disken (emily.disken@montagu-evans.co.uk / 020 7866 7613) of this office.

Yours sincerely



Montagu Evans LLP