



Adam Gostling
DP9
100 Pall Mall
London
SW1Y 5NQ



Dear Adam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT)(ENGLAND AND WALES) REGULATIONS 1999
SITE AT BROADWATER ROAD, WELWYN GARDEN CITY, HERTFORDSHIRE**

I am writing with reference to the screening request, received on 16th April 2009, in relation to your clients site at Broadwater Road.

The request has been submitted under regulation 5(1) of the Town and Council Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 which notes that a person who is minded to carry out development may request the relevant planning authority to adopt a screening provision. Furthermore, regulation 5(2) notes that a request for a screening opinion shall be accompanied by;

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment;
- (c) such other information or representations as the person making the request may wish to provide or make.

It is the Councils view that the screening request that has been submitted does not sufficiently meet the requirements set out in regulation 5(2)(b) above and that the information submitted with the screening request is not adequate to constitute a "brief description of the nature of the development and of its possible effects on the environment".

From your letter it can be surmised that there is an overall development quantum of 110,000sqm for a mixed development of employment, housing, leisure, and a foodstore on a site of 8.6 ha. However, there could be widely different effects on the local environment in terms of traffic, air quality, and community severance impacts depending on the relative proportions of the mix. Furthermore, depending on that mix, some of those impacts could give rise to significant environmental effects, given the presence of a constrained road junction in the vicinity and the high degree of pedestrian movement in the locality associated with the railway station.

In order to consider whether an EIA is required it is necessary to consider whether the project is likely to have a *significant effect on the environment*. In assessing such a question should the answer be 'don't know' this will need to be taken into account by the Council as an uncertainty which might point towards the decision that an EIA is required.

The Council must take into account the following selection criteria – the characteristics of the project, the location of the project and the characteristics of the potential impact. In accordance with the advice in Circular 02/99 (Environmental Impact Assessment) a screening request should provide a plan indicating the location of the development, a brief description of the nature and purpose of the proposal and its possible environmental effects, giving a broad indication of their likely scale (see para 55). Paragraph 56 of the circular further notes that the developer should normally be able to supply sufficient information about the development to enable the Local Planning Authority to form a judgement. It is understood that you are considering an outline planning application and the guidance in the circular goes on to advise that authorities should bear in mind that it is the broad significance of the likely environmental effects which should be questioned at this stage.

Regulation 5(3) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 allows an authority receiving a request for a screening opinion to require additional information if necessary. I would therefore ask you to provide a schedule of floorspace for the main non-residential land uses (including the types of employment use) and also the expected number of dwellings. Any information with regard to the maximum numbers of storeys / building heights within each use type would also be of assistance. I would also ask you to clarify what is proposed in relation to the Grade 2 Listed Building. This is a sizeable structure on the site and it is not apparent from the information submitted whether the proposals envisage its demolition in whole or in part.

Furthermore, regulation 5(4) states that an authority should adopt a screening opinion within three weeks from the date of a receipt for a request or such longer period as may be agreed in writing with the person making the request. In order to allow sufficient time to consider the need for an EIA with regard to this project I formally request a written extension of time for the screening opinion to within 14 days of the request for further information being answered.

If you have any queries with regard to this letter please do not hesitate to contact me further.

Yours sincerely,

A solid black rectangular box used to redact the signature of Tracy Harvey.

Tracy Harvey
Head of Development Control

From: Bob Baldock
Sent: 24 April 2009 10:24
To: Anita Ward
Subject: FW: Broadwater Road

Importance: High

-----Original Message-----

From: Michael Bedford
Sent: 24 April 2009 10:13
To: Bob Baldock
Subject: RE: Broadwater Road

Bob,

Thank you for the additional information.

I think that the information so far provided is not adequate to constitute a "brief description of the nature...of the development and of its possible effects on the environment".

The overall quantum of 110,000 sqm for a mixed development of employment, housing, leisure, and a foodstore, on a site of 8.6 ha could have widely different effects on the local environment in terms of traffic, air quality, and community severance impacts depending on the relative proportions of the mix. Depending on that mix some of those impacts could give rise to significant environmental effects, given the presence of a constrained road junction in the vicinity and the high degree of pedestrian movement in the locality associated with the railway station.

I think therefore it would be sensible to ask the developer to provide a schedule of floorspace for the main non-residential land uses (including the types of employment use) and also the expected number of dwellings.

I think it is also reasonable to ask for clarification as to what is proposed in relation to the Grade 2 Listed Building. This appears to be a sizeable structure on the site. It is not apparent whether the proposals envisage its demolition in whole or in part (which could be regarded as a significant environmental effect).

I am not sure that it is necessary to ask at this stage about storey heights. Whilst there is the potential for a large building to impact on the setting of the listed building, I doubt that in itself this would be sufficient to make the development EIA development (as opposed to the possible demolition of that listed building).

The request for further information should be accompanied by a request for a written extension of time for the screening opinion to (say) within 14 days of the request for further information being answered.

However, if this is not granted the Council will have to make its decision by the original deadline.

On a separate point, is it correct that the site is wholly brownfield? An aerial photo on the multimap website suggests there is a triangle of undeveloped/grassland adjacent to Bridge Road, flanked by vegetation. Might this have ecological implications?

Also, are the buildings vacant and is there any potential for them to be occupied by protected species (bats)?

Regards,

Michael.

Michael Bedford

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2-3 Gray's Inn Square, London WC1R 5JH
Tel: 0207 242 1006 Fax: 0207 405 1166

-----Original Message-----

From: Bob Baldock
Sent: 23 April 2009 19:03

Subject: FW: Broadwater Road
Importance: High

Michael as requested.
regards Bob

From: Anita Ward
Sent: Thu 4/23/2009 5:40 PM
To: Bob Baldock
Subject: RE: Broadwater Road

Bob - in response to Michaels question at #3 I can advise the following -

(i) the nature of the current use and development on the site - the site is a designated employment area and the site was occupied by shredded wheat for food manufacture and polycell (manufacture of polyfilla etc) and other mainly B2 uses. The site is identified in the District Plan as an opportunity area of planned regeneration for mixed use development comprising primarily of employment, housing, leisure and rail related uses. The Council has adopted an SPD outlining a masterplan for the site.

(ii) what environmental sensitivities there might be on or near this site - the site is not in a sensitive area as defined by the regulations but there is a listed building on the site, there is a known contamination problem on the site, there is no information on ecology, there is a road junction already operating at capacity adjacent to the site and the site provides public access to the WGC train station.

(iii) what sort of additional information the officer thinks is likely to be needed - please see note below from our consultants RPS. Although the application will be outline, the applicant will still need to provide floor areas for the various uses proposed in the application, including number and mix of residential units, and, as you say, parameters plans showing the maximum footprint, height etc for the purposes of producing a valid Environmental Statement.

It may be that at this stage the mix of development is not full defined, but I think that they should provide at least an indication of the floor areas / accommodation in each use, as this will have a direct bearing on traffic impact. The traffic impact of 110,000sqm of development (the floor area stated in the request) will vary depending on its make up of uses, and would give rise to a different traffic impact to a mix of 170,000 sqm of B1/B2/B8 (the previous / existing uses). They could perhaps state the floor areas / accommodation at this stage as 'up to'. As an aside, I would think that the applicants already have this information for the purposes of their viability assessments / development valuations. I think that the applicants would also have an idea of the maximum numbers of storeys / building heights within each use type, which may have an impact on the setting of the listed building on site.

Circular 02/99 states at paragraph 56 that 'the developer should normally be able to

supply sufficient information about the development to form a judgement and give a ruling on the need for EIA...Authorities should bear in mind that that what is in question at this stage is the broad significance of the likely environmental effects of the proposal.'

In order to determine whether traffic impact may be significant, I would think that information on the broad quanta of the various elements of the development would be required, but that it may be deemed unreasonable to expect to see a fully detailed schedule of accommodation. Similarly, I would think that it should be possible to obtain broad brush information on the massing / height of the development. However, I would be interested to hear Counsel's opinion in this respect.

The other issue which the screening request does not mention is ecology. Although the site is not, according to the applicants, designated as a SSSI, or SIN, there may still be the potential for protected species to be present. This may not in itself trigger an ES, but is nevertheless an important issue with regards to an assessment of the baseline and reporting of potential impacts. Furthermore, if there were found to be a significant number / group / colony of protected species on the site, this could lead to potentially significant environmental effects.

I would add that whilst the applicants have referred to paragraph 29 of the Circular, paragraphs 43 and 44 are also relevant, in particular, at paragraph 44 - 'It should not be presumed that developments falling below these thresholds (those in Schedule 2) could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Equally, developments which exceed the hresholds will not in every case require assessment. The fundamental test to be applied in each case is whether that particular type of development and its specific impacts are likely, in that particular location, to result in significant effects on the environment'.

I hope that this is of assistance but if there are any further questions I am happy to speak to Michael direct.

Kind regards,

Anita

From: Bob Baldock
Sent: 23 April 2009 17:24
To: Anita Ward
Subject: FW: Broadwater Road
Importance: High

Anita can you e-mail me your response to point 3 please

From: Michael Bedford [REDACTED]
Sent: 23 April 2009 17:20
To: Bob Baldock
Subject: RE: Broadwater Road
Importance: High

Bob,

1. The short answer on time limits is that the 21 day limit for the adoption of a screening opinion is an absolute limit unless the developer voluntarily agrees (in writing) to extend it. This is so whether or not the LPA has requested further information in the 21 day period (see Regs 5(3) and (4) of the EIA Regs 1999).
2. The 21 days begins to run on the date the LPA receives the screening request (with that day counting as day 1 of the 21 days). The request is dated 15 April 2009 and is stamped as received on 16 April 2009. Thus the 21 days expires on 6 May 2009.
3. Before advising on whether the information provided is adequate, it would help me to have some comments from the planning officer on (i)

the nature of the current use and development on the site, (ii) what environmental sensitivities there might be on or near this site, and (iii) what sort of additional information the officer thinks is likely to be needed.

Regards,

Michael.

Michael Bedford

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2-3 Gray's Inn Square, London WC1R 5JH

[Redacted]

[Redacted]

Subject: Broadwater Road
Importance: High

Michael as discussed - memo from my planning colleague and the two papers submitted. If you are able to look at it today that would be appreciated if not then could you give me an indication as to when you would be able to. <<Memo to Counsel 170409.doc>> <<Screening request.txt>> <<Screening request plan.pdf>>

Bob

Welwyn Hatfield Borough Council is currently consulting on its Core Strategy Issues and Options - the document which will set out the strategic planning framework for the next 15 years. Get involved by viewing and commenting online <<http://www.welhat.gov.uk/planning/localdevelopmentframework/corestrategyissuesandoptionsconsultation>> The consultation ends on 1 May 2009.

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From: Anita Ward
Sent: 23 April 2009 12:17
To: 'Frances Russell'
Subject: RE: EIA Screening Advice

Dear Frances - the fee proposal that you have sent through is acceptable and we would like to appoint RPS to act for the Council in providing advice on the screening opinion submitted by Spenhill. As I am on leave next week we would like to confirm the deficiencies of the submitted screening request as soon as possible and set out in writing the additional information we would require in order to make a screening opinion in respect of the Broadwater Road West site. I am chasing our Counsel for their advice in this regard and will get back to you with their comments asap.

Kind regards,

Anita

[REDACTED]

Sent: 21 April 2009 12:03
To: Anita Ward
Subject: RE: EIA Screening Advice

Dear Anita,

I refer to our telephone call this morning and now attach a fee proposal for providing screening advice. A copy will be in tonight's post to you.

I will have to leave the office shortly for the rest of the day, but will be in tomorrow morning if you have any queries. Alternatively, please leave a message on my mobile phone - 07817 241309.

Kind regards

Frances

From: Anita Ward [REDACTED]
Sent: 17 April 2009 16:11
To: Frances Russell
Cc: Tracy Harvey
Subject: EIA Screening Advice

Dear Francis,

Many thanks for coming back to me in relation to the Council's requirement for consultancy support on a screening request for EIA.

Please find attached a copy of a screening request submitted by DP9 in respect of their client's site at Broadwater Road, Welwyn Garden City, Herts. For clarification, their client, Spenhill Regeneration Ltd are a regeneration subsidiary of Tesco.

The request has been submitted under regulation 5(1) of the Town and Council Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 which notes that a person who is minded to carry out development may request the relevant planning authority to adopt a screening provision. Furthermore, regulation 5(2) notes that a request for a screening opinion shall be accompanied by;

23/04/2009

1. a plan sufficient to identify the land;
2. a brief description of the nature and purpose of the development and of its possible effects on the environment;
3. such other information or representations as the person making the request may wish to provide or make.

In terms of consultancy advice the Council would ask RPS to review the screening opinion that has been submitted and advise as to whether you would consider that this is request sufficiently meets the requirements set out in regulation 5(2)(b) above. If it is considered that the screening opinion is insufficient in this regard then we would be seeking advice as to what information to require from DP9/Spennyhill in respect of this site. Upon receipt of such information we would then ask RPS to assist in the adoption of a screening opinion for this development.

I would be grateful if you could take a look at the attached screening request and advise as to whether RPS could assist in this instance and provide me with a quote for undertaking the services required.

If you have any queries please do not hesitate to contact me, otherwise I look forward to hearing from you.

Kind regards,

Anita

<<Screening request.pdf>> <<Screening request plan.pdf>>

Anita Ward
Senior Planner (Special Projects)
Welwyn Hatfield Borough Council
The Campus
Welwyn Garden City
Herts
AL8 6AE

Welwyn Hatfield Borough Council is currently consulting on its Core Strategy Issues and Options - the document which will set out the strategic planning framework for the next 15 years. Get involved by viewing and commenting online The consultation ends on 1 May 2009.

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From: Anita Ward
Sent: 17 April 2009 16:08
To: Bob Baldock
Cc: Tracy Harvey; Richard Aston
Subject: Counsel Advice - CPUK site

Attachments: Memo to Counsel 170409.doc; Screening request.pdf; Screening request plan.pdf

Dear Bob - thanks for getting Michael Bedford to act in relation to the proposed Tesco scheme at Broadwater Road. The EIA screening request actually came in yesterday and so I have attached a memo outlining the advice we initially require from Michael plus a copy of the screening request. We only have a short period in which to adopt a screening opinion (21 days) and so it would be appreciated if Michael could look at this early next week.

Many thanks,

Anita



Memo to
isel 170409.doc



Screening



Screening

uest.pdf (259 KB) uest plan.pdf (2:

Anita Ward
Senior Planner (Special Projects)
Welwyn Hatfield Borough Council
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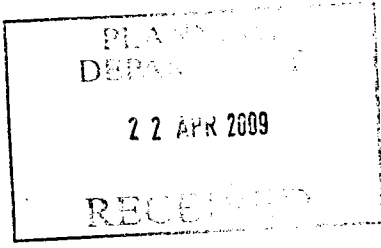
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Our Ref: FR/JWW.1011
Your Ref:



Date: 21st April 2009

Ms Anita Ward
Senior Planner (Special Projects)
Welwyn Hatfield Borough Council
The Campus
Welwyn Garden City
Herts
AL8 6AE



Dear Anita,

SITE AT BROADWATER ROAD, WELWYN GARDEN CITY, HERTFORDSHIRE - PROPOSED DEVELOPMENT BY SPENHILL REGENERATION LTD.

I refer to our telephone conversations and your E mail of 17th April. I have now had an opportunity to briefly review the request for a screening opinion sent by DP9 on 15th April.

As discussed over the telephone, the request for a screening opinion appears to be deficient in that the quantum and type of development proposed is not fully described. Without any indication of the floor space provided for each use, the potential impact of the proposed development in comparison to previous / existing uses on the site cannot be assessed. In particular, the development may generate additional traffic movements, which may give rise to significant environmental effects, not only in relation to traffic congestion, but also with respect to associated air and noise pollution. It is also not clear to what extent the existing green space on the site would be retained.

I have sent out a conflict check to other RPS offices and at the time of writing I have no reason to believe that RPS would have a conflict of interest in acting for you in providing advice in respect of a screening opinion and any other matters relating to environmental impact assessment. As you are aware, we have acted for you before in assisting with scoping of environmental statements and in auditing the same, and we would be happy to provide these additional services if required.

It is difficult to assess the input that may be required at this stage, as our initial advice might extend to include a number of meetings with you, your Counsel and the applicant, depending on the complexity of the arguments which arise. I would propose that my time (including any travel time) be charged at £90 per hour. For advice in respect of the screening opinion, leading to adoption of such as opinion by your authority, I would think that a budget of £4,000 should be sufficient. VAT and expenses (which may include travel cost and out of pocket items such as photocopying) would be in addition.



As I mentioned on the phone, if Spenhill do provide further detail of the floor space of the various uses proposed, and the numbers of residential units, then a detailed discussion on likely traffic impacts and related air and noise impacts may ensue. Other issues that may require more detailed discussion before a screening opinion can be adopted could include contamination / land remediation, the setting of the listed building / townscape issues, ecology and the need for protected species surveys. In my quotation above I have not included for reference to technical specialists within RPS whose more detailed knowledge may inform the screening opinion. If these additional services were required, then I could provide a separate quotation for their involvement.

I hope that my proposal is of interest and look forward to hearing from you further.

Yours sincerely

A large black rectangular redaction box covering the signature area of the letter.

FRANCES RUSSELL
ASSOCIATE ENVIRONMENTAL PLANNER

Anita Ward

From: [REDACTED]
Sent: 22 April 2009 09:50
To: Anita Ward

[REDACTED]
Subject: Environmental Impact Assessment Support to the Borough Council

Anita

As discussed on Monday many thanks for considering us to support you on the Tesco EIA scheme at Broadwater Road.

Having now had the opportunity to discuss potential conflicts of interest with senior colleagues I can confirm that unfortunately we would not be able to tender for this work in the future given that we do work with Tesco in other parts of the Country.

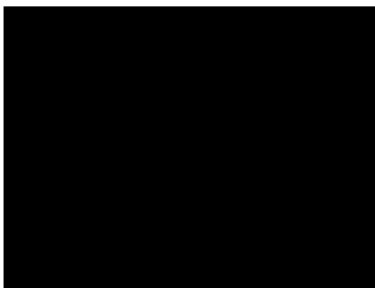
Please do not hesitate to contact me if you need support in this area of work in the future.

In addition, thanks for the 'heads up' on the LDF evidence Base work. I will get in touch with Sue Tiley in Policy to discuss any potential opportunities on this front.

Regards

Ian Douglass
Associate Director

Entec UK Ltd
Trinity House
Cambridge Business Park
Cowley Park
Cambridge
CB4 0WZ



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Anita Ward



Sent: 16 April 2009 12:12
To: Anita Ward
Subject: RE: Broadwater Road West EIA opinion

Dear Anita

Thank you very much for discussing this opportunity with me. I have talked to our Tesco Client Manager and she is worried that the EIA opinion may well be seen as a conflict of interest as we do a lot of work with them. Consequently I am unfortunately going to have to turn down this opportunity.

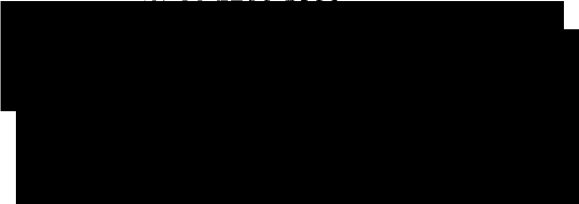
I would like to assure you that Scott Wilson remains very interested to bid for work for Welwyn and Hatfield Local Authority where we have no conflict of interest.

Kind regards

Jeremy

Jeremy Richardson
Technical Director Head of Climate Change and Policy

Scott Wilson
8 Greencoat Place
London, SW1P 1PL



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